SLAVERY IN THE STATE OF NORTH CAROLINA

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History is past Politics and Politics are present History.—*Freeman*

SLAVERY IN THE STATE OF NORTH CAROLINA

BY
JOHN SPENCER BASSETT, Ph.D. (J. H. U.)
Professor of History and Political Science, Trinity College (North Carolina).

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CONTENTS.

INTRODUCTION: General Characteristics 7

I. Legal Status of the Slave; The Slave in Court, Runaways, The Slave's Right to Hunt, The Slave's Right to Travel and Trade, The Slave's Right to Life 10

II. Free Negroes and Emancipation; Emancipation, Free Negroes 29

III. Religious Life 47

IV. Industrial and Social Life; Population, Distribution, The Regulation of the Slave's Life 77

V. The Triumph of the Pro-Slavery Sentiment; Slave Conspiracies, The Growth of the Pro-Slavery Sentiment . . 94

Slavery in the State of North Carolina.

INTRODUCTION: GENERAL CHARACTERISTICS.

The story of slavery in the State of North Carolina may be considered in two parts, the dividing point of which is the year 1831. Before this year the general conditions of the slave were more humane than after it. Public feeling on the question was then unimpassioned. Some people opposed it; some favored it. It seems to have been discussed in a sane way, as a matter of public policy and without any extraordinary excitement or recrimination. After 1831, or about that year—for no fine and distinct dividing point can properly be made—the conditions of slavery became more severe. One law after another was passed which bore hardly on the slave, until at last he was bound hand, foot, and brain in the power of his master. Moreover, public feeling became inflamed. Slavery could no longer be discussed as a public policy, and there arose with most people in the State a fervent intolerance of all views advanced against the system.

The causes of this remarkable development have often been enumerated. Later on in this work I propose to explain the matter with some degree of fulness in a chapter on the development of the pro-slavery sentiment. Here it cannot be necessary to do more than point out the general facts of the process.

In this sense the chief cause of this change was the invention of the cotton gin and the consequent opening up of the cotton industry, not only in many parts of North Carolina,

but in the entire Gulf region. This gave a strong impetus to the settling of large plantations which hitherto had been limited for the most part to the rice producing regions. A wide extension of slavery could never have been made on the basis of the small farm, where there was necessarily much white labor. In North Carolina, and elsewhere, no doubt, it was noticeable that slavery, even in the days of the greatest excitement over the slave question, was of a milder type in the western counties. Here the farms were small. Slave-owners had but few slaves. With these they mingled freely. They worked with them in the fields, ploughing side by side. The slave cabins were in the same yard with the master's humble home. Slave children and, indeed, slave families were directly under the eye of the master, and better still, of the mistress. On such farms from five to twenty slaves was a usual quota, although their number often went to fifty and even higher. Could this type of bondage have predominated in the South, it is likely that slavery would sooner or later have softened itself, as in the disintegrating Roman Empire, into some less austere forms of servile labor, until at last it came by successive stages to the light of freedom. That it did not happen was due to the aristocracy of cotton.

The triumph of the cotton aristocracy did not come in a day. In 1800 North Carolina was, except certain sections in the far East, in the grasp of the small farm system. There were then many people in the State who opposed slavery. Some of them were statesmen who, like Jefferson and Washington, looked to the day of freedom. They were strong enough to offset and keep down a certain thorough-going tendency to deal with slaves in a summary manner, which from the first was not wanting with some legislators. But as the large estate prevailed, the pro-slavery influence became stronger. The arguments on this side were naturally aggressive; and those on the other side were conservative. The former caught the support of the younger men in politics. As time passed the older party was weakened

by the death of its leaders, and the new party gained strength. It was in 1831 that the latter was able definitely to triumph over the former.

There are two well-known facts that secured this decisive victory; that is to say, the Nat Turner rebellion and the beginning of the more vigorous anti-slavery agitation in the North. The former won the victory; the latter undoubtedly made it forever sure.

Looking behind these two facts, however, it is worth while to ask how much the newer development of slavery, due to cotton cultivation, had to do with these two occurrences. To attempt to answer this question here would be to anticipate the task of the historian of slavery in general. I shall only venture to suggest that it may be probable that the growing harshness of slavery, either in Virginia or in the far South, led Nat Turner to make his futile attempt at freedom. With more confidence I might assert that the certain extension of slavery in the Gulf States, as well as in the older slave States, nerved the anti-slavery associates of Garrison to a fiercer battle. They saw, they must have seen, that the enemy against whom they contended was every day growing stronger. This aroused their efforts in the first instance, and made the fight more bitter throughout its course. This increased strength of slavery was due to cotton. But for this the famous contest in the Virginia Legislature of 1831 might have had another end. Mr. D. R. Goodloe[1] is authority for the view that such a triumph of anti-slavery in Virginia would have carried North Carolina against slavery. Such a victory in either State, or in both, would have broken the sectional balance in the United States Senate and secession would have been blighted ere it had sprouted.

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[1] See a manuscript sketch by Mr. Goodloe himself, which is preserved among the papers of the Trinity College Historical Society.

CHAPTER I.

THE LEGAL STATUS OF THE SLAVE.

The spirit of the slavery legislation in the State of North Carolina conforms to the development that has been indicated. Before, and immediately after, 1800 many of the laws passed indicated a milder spirit. After that they became more austere till they finally partook of the spirit of harshness to which allusion has been made. But this development did not come because of deliberate cruelty on the part of the slave-owners. There are throughout the period of greatest restriction enough humane laws and more than enough humane custom to show the contrary. It came as a logical consequence of the conviction that the future development of Southern society as well as the safety of the Southern people demanded that slavery should be perpetuated. Before this iron necessity every impulse to humanity, every suggestion for a better elevated negro race, was made to fall. Now and again some sharp-eyed pro-slavery advocate would discover some way by which it was thought that the slave could lift himself out of slavery, and the way would be as promptly closed up. At one time it was teaching slaves to read, again it was allowing negroes to preach to their race, again it was allowing free negroes to attend muster, and sometimes it was allowing a slave to hire his own time. In every case the Legislature was prompt with its veto. And yet it is certain that the feeling of the community was not so harsh as these laws indicate. Severe laws were often not obeyed. Besides some other provisions of the law, the single case of the State *vs.* Will is sufficient evidence of this humaner feeling. This case is remarkable because it settled, in 1834, just at the time when the

pro-slavery sentiment was in the flush of victory over the conservatives, the question that a slave had a right to defend himself against the apparently murderous attack of his master or overseer. Such a decision granted the slave all the rights of a moral conscience and gave the lie direct to the notion that the slave is not a person, the notion which underlay the Dred Scott decision.

These two opposite tendencies of greater austerity and of greater sympathy within the bounds of slavery existed conjointly throughout the period we have under consideration. In considering the legal status of slavery as well as the general social conditions of slaves, the reader will often remark the outcropping of one or both of them.

The Slave in Court.—During the period of statehood the slave law of 1741 continued the basis of the law of slavery, although it was frequently modified. By this law two or more justices of the peace and four freeholders were constituted a court to hold the trial of a slave.[1] But in 1793 (chap. 5) the slave received the additional security of being tried for offenses involving life, limb, or member before a jury of twelve slaveholders in open County Court, but "in a summary way." If, however, the County Court were not to meet in regular order in fifteen days after the arrest of the slave, the sheriff was to call a special court of three justices of the peace and twelve disinterested slaveholding jurymen, as before provided, and these were to have the powers of the County Court for the case at issue. The owner was to have notice and might defend his slave, and if the case went against the slave he paid the costs; but if the master were unknown the slave was allowed counsel. What was meant by the expression "in a summary way" was defined in an explanatory act a year later (Laws of 1794, chap. 11). It was at first intended doubtless that the court should not be bound by the ordinary rules of pleading. Now it was declared with more explicitness that the jury should

[1] See the author's "Slavery and Servitude in the Colony of North Carolina," pp. 28–29.

return a verdict on the evidence submitted by the Court, and that the Court should give judgment "agreeable to the verdict of the jury and the laws of the country." By this it seems that the penalties inflicted on white men for the crimes in question were extended to slaves convicted of the same crimes.

Further guarantees of security were given in 1816 (chap. 14) when it was provided that slaves charged with capital offenses should be tried in the Superior Courts; and that the trial was to be conducted as the trial of a freeman, unless the charge were conspiracy. It was expressly stated that there must be a presentment by the grand jury; that the owner must be notified; that the hearing might be removed to another county on affidavit of owner; that an offense clergyable for freemen was to be clergyable for slaves; and that the slave with the advice of his master might challenge the jury for cause. Otherwise the trial was to follow the law of 1777 (chap. 2) and that of 1779 (chap. 6). If the charge were conspiracy the trial was to be by special commission of Oyer and Terminer issued by the Governor to a Superior Court on the petition of five freeholders in the county in which the conspiracy was alleged to have occurred. Conspiracy was an exceptional affair in reference to the slave; but for ordinary cases the status of the slaves improved steadily. In 1818 a slave on trial for his life was given the full right of a freeman to challenge jurors.[1] Thus in the matter of his life the standing of the slave approached nearly to that of the freeman.

In 1820 a further distinction between the trial of a freeman and a slave was obviated when it was provided that when a slave was convicted of a capital offense the costs should be paid by the county.[2]

Minor offenses were tried differently. By the law of 1741 they were tried in the same way as capital offenses. But in 1783 (chap. 14) it was enacted that a justice of the peace

[1] Revision of 1821, chap. 972.

[2] *Ibid.*, chap. 1073.

before whom the case of a slave was brought should try the case at once, if it were less than a capital crime and if, in his judgment, the penalty ought not to be heavier than forty lashes. Such trial was to be "in a summary way." Cases between these minor cases and capital cases gradually came to be tried in the County Courts, as capital cases were to be tried in the Superior Court. Here also the trial was to be conducted "under the same rules, regulations and restrictions as the trials of freemen;" and the slave was entitled to a jury of slaveholders.[1]

The law as just stated remained in force till the war, with the difference that the cases hitherto left to the County Courts went now to one or more justices of the peace, if they chose to sit on the case, and the penalty was to be whipping not to exceed thirty-nine lashes on the bare back. Appeal was, by law of 1842 (chap. 3), to be allowed to the County or the Superior Court. Such offenses were what were called "inferior offenses" and crimes which if done by free persons would be cognizable in the County Court. Some of the "inferior offenses" ought to be mentioned. Among them were insolence to a free white person; slandering a free white person, or trespassing on the property of such a person; intermarrying or cohabiting with a free negro; having sexual intercourse or indulging in grossly indecent familiarity with a white female; trying to teach a slave to read or to write—the use of figures excepted; exhorting or preaching or holding any other public religious service where slaves of different families were assembled; playing cards, dice or nine-pins, or gambling for money, liquor or other property; raising cattle, hogs, horses, etc.; producing a forged pass or certificate of freedom, and some other offenses. Felonies and other offenses of slaves not given for trial to a justice of the peace were to be tried before the Superior Court in the manner of the trials of freemen and before juries of slave-owners.[2] Conspiracy to rebel was

[1] Revised Statutes, 1837, p. 582. [2] Revised Code, pp. 510–11.

also construed a felony and punishment was to be death or transportation.

The payment of the owners for slaves executed by law was a hard matter to settle. At the beginning of statehood the State paid the owner for the slave, and in 1779[1] the Assembly fixed the maximum value of such a slave at £700, continental money, then much depreciated. In 1786 (chap. 17) the Assembly repealed all acts allowing payment for executed slaves, since, as it declared, "many persons by cruel treatment of their slaves cause them to commit crimes for which many of the said slaves are executed." Masters now for financial reasons protected their slaves from prosecution, and there was a demand for a return to the old system. Formerly the burden had been borne by the whole State, and this was considered unfair to the counties which had few slaves. The final solution lay in local action. In 1796 (chap. 27) seven eastern counties were authorized to lay a tax to pay for slaves executed within their respective borders, the owner to receive two-thirds of the value of the slave, as estimated by the jury that pronounced him guilty. This amount, however, was not to be paid unless the jury was convinced that the owner had properly fed and clothed the delinquent slave. A tax for such a purpose was to be levied on the black polls of the county. This law seems to have worked well for within a few years several other counties had been granted the same privileges.

Runaways.—In the above section the development was in favor of a more humane treatment of a slave. There had been an honest desire to secure justice to the slave, and the graver offenses were put on the same basis as in the graver cases of freemen. It could be done because in no way was the perpetuity of slavery concerned. This was not true in regard to runaways. Such slaves threatened the very life of slavery. The law of colonial days on this subject had been stringent; and that was slightly modified after the

[1] Laws of 1779, 3d session, chap. 12.

Revolution. Such enactments as were made had to do chiefly with persons who aided runaways. Thus in 1779 (1st session, chap. 11) it was made a capital felony to steal or seduce away a slave and this law remained in force till the war.[1] This probably referred to persons who stole slaves as property; but in the same act it was further provided that whoever aided a runaway to escape should on conviction pay £100 to the owner of the fugitive and, in addition, whatever damages might be incurred. In 1793 (chap. 5) it was made a capital felony for a ship captain to take, or knowingly allow others to take, a slave out of the State without the written consent of the slave's master.

In the days of exasperation against the anti-slavery party in the North more stringent rules were made. From 1825 till 1833 there were three laws passed, the substance of which was to make the stealing of a slave with the purpose of sending him out of the State, or the aiding of one to escape out of the State, a felony punishable by death.[2] This law remained in effect till 1860.[3] This was no doubt aimed at Northern men bent on working the Underground Railway. For ordinary cases of persuading slaves to run away or for harboring runaways one should on conviction pay the owner of the slave a fine of $100 and damages and be liable to fine of $100 more, and might furthermore be indicted and fined another $100 and imprisoned not more than six months.[4] The latter amendments were passed in 1821 and 1830.

The Slave's Right to Hunt.—Here, too, the question of the perpetuity of slavery was involved. For slaves to hunt with a gun jeopardized the masters' lives. Throughout the period of statehood there was no disposition to relax the strict prohibition of this practice. Anyone who found a slave so hunting might take the gun for his own use and carry the

[1] Revised Statutes, chap. 34, sec. 10, and Revised Code, chap. 34, sec. 10. [2] Revised Statutes, chap. 34, sec. 11.

[3] Revised Code, chap. 34, sec. 11.

[4] Revised Statutes, chap. 34, sec. 73, and Revised Code, chap. 34, sec. 81.

slave to the nearest constable who should at once give the slave twenty lashes on his bare back and the owner should pay the same reward as was paid for taking up a runaway.[1]

The Slave's Right to Travel and Trade.—The patrol, which had been established in 1753,[2] became steadily a more permanent institution as the people became more convinced of the necessity of keeping slavery unassailed. In 1779 (3d session, chap. 8) it was required to make a general search once a month and to report to the County Court. Slaves off their masters' plantations on Sunday were to be arrested, unless they had passes or were in the company of a white man. In 1794 (chap. 4) it was provided that the patrol should be appointed by the County Court whenever it should think necessary. No more than six men should be appointed to the district of each militia captain. The patrol was to be in office one year, was to have stipulated fees and one-half of the money from fines under this act of 1794, and was to be exempt from road and jury duty. Two patrolmen going together were to cover a district at least once a fortnight. They might whip—not to exceed fifteen lashes—slaves found off their master's land without permission.

In 1802 there was an alarm over a reported slave insurrection in Bertie and adjoining counties. This induced the Assembly to provide a still more efficient patrol.[3] The County Court was now authorized to appoint patrolers in such numbers and under such rules as it might think necessary, the patrolers retaining the powers and privileges conferred by the act of 1794. To support the patrol the County Court was given the authority to levy a special tax of one shilling on each black poll. In the same year (1802, chap. 68) the militia of Gates, Pasquotank, and Camden Counties were constituted a patrol. The captains were directed to divide their companies into squads of four or five men who

[1] Revised Statutes, chap. 111, sec. 23, and Revised Code, chap. 107, sec. 26.

[2] See author's "Slavery and Servitude," p. 38.

[3] Laws of 1802, chap. 15.

were to search their respective neighborhoods once in three weeks and to whip slaves found at large.

No further change was made in the patrol till 1830 (chap. 16, secs. 1 and 14) when the County Court was given authority to appoint, if it saw fit, a Patrol Committee of three persons in each captain's district who might appoint as many patrolers as they thought necessary, provided that this should not prevent the County Court from appointing patrols as they saw fit. The patrol was now given large powers of arrest. The patrolers were enjoined to visit suspected places, to disperse assemblages of slaves, to be diligent in arresting runaways, to detect thefts, and to report persons who traded with slaves. The patrol, or any two of them, should "have such powers as may be necessary to a proper discharge of the duties herein enjoined," ran the law. If a negro who was being whipped was insolent to them he might be further punished not to exceed thirty-nine lashes in all. The Patrol Committee was given power to discharge patrolers and to appoint others in the vacancies. To refuse to serve on the patrol was punished by a fine of $20, to go to the support of the patrol, and in 1835 (chap. 22) it was enacted that persons who refused or neglected to perform the duties of this office should be fined $25.[1]

There was more than one reason why masters did not want their slaves to meet at slave-meetings about the neighborhood. It afforded opportunity for concocting mischief; and it demoralized the slaves by bringing them into contact with the worst negroes of the community, by keeping them up till late at night, and by giving them a desire for idleness. Accordingly the laws were always against such slave-meetings. In 1779 (2d session, chap. 10) it was enacted that an ordinary keeper who entertained slaves against their master's will should forfeit his license. In 1794 (chap. 4) it was declared that no person should permit any negroes, bond

[1] See Revised Statutes, chap. 86; also Tate *vs.* Neale, 1 Hawks, 418, and Revised Code, chap. 83.

or free, to meet on his property for drinking or dancing on penalty of fine of £10.

The commonest crime of slaves in all ages is no doubt theft. The negro has been called thievish by nature. Certainly in American slavery he showed a decided tendency to petty thievishness, so that it was necessary to throw a great deal of legal restraint around his petty business relations with others. Various laws were passed on this subject. A slave must not trade with any other person without the written consent of his master, the article for which permission to trade was given being expressly specified.[1] Between 1826 and 1833 a series of laws enumerated the articles which slaves might not sell without the consent of their masters. These were articles raised on the farm, tools, food supplies, and articles prepared for sale, as staves, cloth, and gold and silver bullion. Other persons were forbidden to sell anything at all to slaves; provided, however, that this should not hold when slaves traded with the written permission of their masters between sunrise and sunset, Sunday excepted; but this proviso was not to apply to the sale of spirituous liquors, arms, and ammunition, unless they were for the master's own use.[2] How rigidly this law was enforced may be seen from the fact that in 1846 (chap. 42) it was enacted that this section should not be construed to mean that the master of a slave was not to give him these prohibited articles to carry from one place to another.[3] Further indication of the rigidness of the law is seen in the statement of what should be considered presumptive evidence in such a case. It was enacted in 1826 (chap. 13, sec. 6) that if a slave should be found in a place used for trade between nine o'clock and daybreak, or at any time unless his master sent him; or, if a slave should stay in such a place, unless sent thither by his master, for fifteen minutes with the door shut; or if he should come out of such a place with articles which

[1] Laws of 1779, 1st session, chap. 11, and 1788, chap. 6.
[2] Revised Statutes, chap. 34, secs. 75–78.
[3] Revised Code, chap. 34, secs. 83–92.

might have been purchased therein; it should be presumptive evidence against him.[1] Shipmasters, many of whom were from the North, were forbidden to entertain negroes or mulattoes, slaves or freemen, on their ships between sunset and sunrise or on Sunday, unless the said negroes had permission from their masters or from a justice of the peace, or unless they were employed on board.[2] Negroes who violated this law were presumed to be disposing of stolen goods.

Of a somewhat similar nature was the custom of allowing a slave to hire his own time. This was a practice by which a slave paid his owner a certain sum of money for his own time and then followed some line of work in which he was proficient. The more industrious negroes who had trades, as blacksmiths, carpenters and bricklayers, often did this. From one hundred to one hundred and fifty dollars a year was the amount usually paid by a slave for his own time. Most slaves who hired their time did it with the intention of buying their freedom, and many of them accomplished their purpose. The practice gave the slave more liberty of action and it was considered undesirable both because it increased the number of free negroes and because it removed the slave so hiring from the strict control of the whites. Accordingly it was enacted as early as 1794 (chap. 4) that no slave should hire his time on penalty of being hired out for a year by the sheriff at the direction of the County Court, the proceeds to go to the poor. There is good reason to believe that this law was not generally executed, but it remained on the statute book throughout the period of slavery.[3] Neither should a slave be allowed to go about as a freeman, using his own discretion as to his employ-

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[1] Revised Statutes, chap. 34, sec. 78, and Revised Code, chap. 34, sec. 88.

[2] Revised Statutes, chap. 34, sec. 76, and Revised Code, chap. 34, sec. 93.

[3] Revised Statutes, chap. 111, sec. 31, and Revised Code, chap. 107, sec. 28.

ment or living in a house to himself and remote from other slaves, as a freeman, even though his master should consent.[1]

The Slave's Right to Life.—In 1774 it was enacted that a person who willfully killed a slave should be imprisoned a year for the first offense and suffer death for the second.[2] In 1791 it was further enacted that if a person should be convicted of maliciously killing a slave he should on the first conviction be held guilty of murder and should "suffer the same punishment as if he had killed a freeman." But in 1801, in the case of the State *vs.* Boon, this law was declared inoperative on the ground that the clause which fixed the penalty was ambiguous. There were, it was said, various ways of punishing freemen for murder. Since the law left a shade of uncertainty in the penalty the prisoner was entitled to the doubt and in this case was released.[3] Two of the five judges of the court gave it as their opinion that the malicious killing of a slave was murder at common law, and the three others did not contradict the opinion. It is possible that it was under this influence that such a principle began to be held by the courts, since Chief Justice Taylor declared in 1820 that if a white person killed a slave under such circumstances as constituted murder he might have been punished for that offense.[4] A difficulty arose, however, if the case could be extenuated to manslaughter. No punishment was provided for that offense, and the prisoner was uniformly discharged. The Assembly, accordingly, in 1817 enacted that "the killing of a slave shall partake of the same degree of guilt, when accompanied with like circumstances, that homicide now does." This, the Court held in 1820,[5] was designed "to make the homicide of a slave, extenuated by a legal provocation, man-

[1] Revised Statutes, chap. 111, sec. 32, and Revised Code, chap. 107, sec. 29.

[2] See the author's "Slavery and Servitude," p. 43.

[3] North Carolina Reports, vol. 1, p. 103 (edition of 1896).

[4] Hawks's Law, p. 217.

[5] *Ibid.*, p. 210, State *vs.* Tackett.

slaughter." After stating the common law in regard to manslaughter the Court added that in the very nature of slavery "many acts will extenuate the homicide of a slave, which would not constitute a legal provocation if done by a white person." The defining of these acts was not attempted, but it was presumed that the Court and jury would estimate them seriously in individual cases, with due regard to the rights of slaves and white men—"to the just claims of humanity, and to the supreme law, the safety of the citizens."

In 1823 the Supreme Court in the case of the State *vs.* Reed, declared directly that the killing of a slave might be tried as murder at common law, Chief Justice Taylor and Justice Henderson acquiescing and Justice Hall dissenting. The grounds of the decision were the law of Nature and Christianity. Justice Henderson made the very substantial statement that the law of slavery gave the master the control of the services of the slave and that it would be not too scrupulous in adjusting the means of enforcing these services. "But the life of a slave being in no ways necessary to be placed in the powers of the owner for the full enjoyment of his services the law takes care of that; and with me it has no weight to show that, by the laws of ancient Rome or modern Turkey, an absolute power is given to the master over the life of his slave. I answer, these are not the laws of our country, nor the mode from which they were taken. It is abhorrent to the hearts of all those who have felt the influence of the mild precepts of Christianity." The argument of Justice Hall was on the basis that the slave is a chattel. Now if a slave be killed the law provides that the owner has an action for trespass against the slayer. But if killing a slave be murder at common law the offender would be answerable both *civiliter* and *criminaliter*. The Legislature could not have intended to create such a condition. Besides, the Legislature in 1774 (chap. 31) passed a law to punish the killing of a slave. If such an offense had

been cognizable at common law the Legislature need not have made a statute on the subject.[1]

The effect of this decision was modified shortly afterwards in the case of the State *vs.* Hoover, where it was held that if a slave died from moderate chastisement of his master every circumstance which in the general course of slavery might have hurried the master to excess would be tenderly regarded by the law. But where the punishment was barbarously immoderate and accompanied by painful privation of food, clothing, and rest, it is not correction *in foro domestico*, indicates deliberate killing, and is therefore murder.[2]

The next question to be taken up in this connection was that of the culpability of a white man who cruelly beat a slave. In 1823, in the case of the State *vs.* Hale,[3] it was held that a battery committed on a slave, no justifying circumstances being shown, was an indictable offense. But it was explicitly stated that circumstances which would not justify a battery on a free person might in the nature of slavery justify an assault on a slave. "The offenses," said the Chief Justice in a sentence which casts a clear light on one phase of slavery in the South, "are usually committed by men of dissolute habits, hanging loose upon society, who, being repelled from association with well-disposed citizens, take refuge in the company of colored persons and slaves whom they deprave by their example, embolden by their familiarity, and then beat, under the expectation that a slave dare not resent a blow from a white man." This principle did not apply, however, to the assault of a master on his slave. This latter case was taken up in 1829 in the case of the State *vs.* Mann,[4] when it was decided that a master was not to be indicted for battery on his slave, that he who has

[1] North Carolina Reports (new edition), vol. 9, p. 454.

[2] See 4 Devereaux and Battle, p. 365.

[3] *Ibid.*, p. 582. Here the defendant is called Hale. Later cases cite this case as State *vs.* Hall.

[4] North Carolina Reports (new edition), 13, p. 263.

a right to the services of a slave has a right to all the means of controlling his conduct that belong to the owner, and that this rule would apply to the hirer of a slave. The decision was given by Justice Ruffin. Although, as he affirmed, there was no question about a master's right to inflict any kind of corporal punishment short of death on his slave, he still stated the general grounds for such a principle. There had been no prosecutions of masters for such an offense. Against this general opinion of the community the Court ought not to hold. It was erroneously said that the relation of master and slave was like that of parent and child, and it was held that a parent could not commit a cruel battery on his own son. The object of the training of a son was the life of a freeman, and the means to be used was moral and intellectual instruction. With slavery it was otherwise. "The end," ran the decision, "is the profit of the master, his security and the public safety; the subject, one doomed in his own person and his posterity, to live without knowledge and without the capacity to make anything his own, and to toil that another may reap the fruits. What moral considerations shall be addressed to such a being to convince him what it is impossible but that the most stupid must feel and know can never be true—that he is thus to labor upon a principle of natural duty, or for the sake of his own personal happiness. Such services can only be expected from one who has no will of his own, who surrenders his will in implicit obedience to that of another. Such obedience is the consequence only of uncontrolled authority over the body. There is nothing else which can operate to produce the effect. The power of the master must be absolute to render the submission of the slave perfect. I most freely confess my sense of the harshness of this proposition. I feel it as deeply as any man can; and as a principle of moral right every person in his retirement must repudiate it. But in the actual conditions of things it must be so. There is no remedy. This discipline belongs to the state of slavery. They [the discipline

and slavery] cannot be disunited without abrogating at once the rights of the master and absolving the slave from his subjection. It constitutes the curse of slavery to both the bond and free portion of our population. * * * The slave, to remain a slave, must be made sensible that there is no appeal from his master; that his power is in no instance usurped; but is conferred by the laws of man at least, if not by the laws of God." The Courts could not fix the punishment due to the violations of duty by the slave. "No man can anticipate the many and aggravated provocations of the master to which the slave would be constantly stimulated by his own passions or the instigations of others to give, or the consequent wrath of the master prompting him to bloody vengeance upon the turbulent traitor—a vengeance generally practiced with impunity because of its privacy." I do not think that one can find anywhere in the annals of modern justice a decision more brutally logical, and more void of that genial spirit of progressive amelioration which should run through a legal development. Justice Ruffin announced his own horror of the decision he was giving and consoled himself with the thought that the softening feeling of the masters in general for the slaves was increasing and with the decreasing numbers of the slaves, would eventually enable the relations of slavery to be more humane—a result more likely to come in this way "than from any rash expositions of abstract truths by a judiciary tainted with a false and fanatical philanthropy." Was it not the duty of the Court to give such a decision that would help on the humanizing process by giving the Courts the right to restrain excessive cruelty of masters towards slaves rather than by crystallizing into a judicial opinion the brutal theory of the harshest days of slavery to scotch the wheels of the progress that it was desired to see abroad?

It was fortunate for the slave, it was fortunate for the State, that this spirit was not permanent in the Supreme

Court decisions. In 1834 the case of the State *vs.* Will,[1] established the distinctly milder principle that a slave who was barbarously attacked by his master might defend himself with physical force. The facts of the case were these: Will was a slave who became angry because another slave was allowed to use a hoe which Will used and had helved in his own time. In his rage he broke the helve and went to his work. When the overseer knew of it he took his gun and rode to the place at which Will was at work. He called the slave to him, who approached humbly with his hat off. Some words were exchanged when Will began to run. Then the overseer fired, making a wound in the back of the fugitive which might have proved fatal. The terrified slave was pursued and caught by the overseer and two slaves, but in the struggle of arrest he cut the overseer with a pocket knife so that the overseer bled to death. All the circumstances showed that Will had acted in supposed self-defense. His plea was manslaughter—one of his counsel was B. F. Moore,[2] then young and unknown, but afterwards one of the leading lawyers of the State. At the outset Mr. Moore was confronted by Judge Ruffin's opinion in the case of the State *vs.* Mann. These sentiments he distinctly challenged. "It is humbly submitted," said he, "that they are not only abhorrent and startling to humanity, but at variance with statute and decided cases." Judge Henderson's opinion in the State *vs.* Reed was quoted to show that the master's power extends only to the services of his slave. Point by point Judge Ruffin's opinion so far as it related to the general relation of master and slave was combated. One eloquent passage will indicate the nature of the attack. Judge Ruffin had said that the slave must be made to realize that in no one instance was the master's power usurped. This, exclaimed Mr. Moore, repressed thought

[1] See "The Trinity College Historical Society Papers," series II, p. 12; also 1 Devereaux and Battle, p. 121.

[2] Mr. G. W. Mordecai was also associated with the defense, but Mr. Moore's argument won the case.

and "reduced into perfect tameness the instinct of self-preservation," a result difficult to accomplish and lamentable if accomplished. But if the relation of slavery required "that the slave shall be disrobed of the essential features that distinguish him from the brute, the relation must adapt itself to the consequences and leave its subjects the instinctive privileges of a brute. I am arguing no question of abstract right, but am endeavoring to prove that the natural incidents of slavery must be borne with because they are inherent to the condition itself; and that any attempt to punish the slave for the exercise of a right which even absolute power cannot destroy is inhuman and without the slightest benefit to the security of the master or to that of society at large. The doctrine may be advanced from the bench, enacted by the Legislature, and enforced with all the varied agony of torture and still the slave cannot believe and will not believe that there is no instance in which the master's power is usurped. Nature, stronger than all, will discover many instances and vindicate her rights at any and at every price. When such a stimulant as this urges the forbidden deed punishment will be powerless to proclaim or to warn by example. It can serve no purpose but to gratify the revengeful feelings of one class of people and to influence the hidden animosities of the other."

The opinion was written by Justice Gaston, who two years earlier had said in a public address: "Disguise the truth as we may, and throw the blame where we will, it is slavery which, more than any other cause, keeps us back in the career of improvement."[1] Now he showed himself a humane judge: He said: "Unconditional submission is, in general, the duty of the slave; unquestioned legal power is, in general, the right of the master. Unquestionably there are exceptions to this rule. It is certain that the master has not the right to slay his slave, and I hold it to be equally certain that the slave has the right to defend himself against the unlawful attempt of his master to deprive

[1] Address at Chapel Hill, June 20, 1832, p. 24.

him of life. There may be other exceptions, but in a matter so full of difficulties, where reason and humanity plead with almost irresistible force on one side, and a necessary policy, rigorous indeed, but inseparable from slavery, urges on the other, I fear to err should I undertake to define them." Neither would he define legal provocation, but he did say that a slave's unlawful violence excited by his master's inhumanity ought not to be construed as malice. "The prisoner," said the Court, "is a human being, degraded by slavery, but yet having organs, senses, dimensions, passions like our own." No malice was shown in the evidence and the killing was pronounced manslaughter. It was a notable case and it fixed a humaner spirit in the law of slavery in North Carolina until the end of that institution.

But one more case before the Supreme Court will be mentioned, that of the State *vs.* Jarrot,[1] in 1840. It was declared, that the difference between homicide through malice and homicide through passion was to hold as much in the trial of a slave as in that of a white man; but the same matters which would be sufficient provocation for a freeman would not be sufficient when a slave had killed a white man. Some words of a slave might be so aggravating as to arouse the temporary fury which negatives the charge of malice, "and this rule holds without regard to personal merit or demerit of the white man." The insolence of a slave would justify a white man in giving him moderate chastisement at the moment, but would not authorize an excessive battery, or moderate correction after the insolence was past. The rule that where two parties become angry and fight on equal terms till one kills the other the crime is manslaughter is not to apply to slaves, but to equals only, it being the slave's business to avoid such a contest. But if the battery endangers the slave's life it will reduce homicide by him to manslaughter.[2]

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[1] North Carolina Reports, 23, p. 75.

[2] This decision also was written by Judge Gaston.

In regard to the slave's legal status a curious case has come under my notice. The late Dr. John Manning, widely known as Professor of Law at the State University, told me that Judge Ruffin, the senior, told him that a case was once decided in the North Carolina Supreme Court in which it was held that a white man could not be convicted of fornication and adultery with a slave woman, because such a woman had no standing in the courts. The case, said Judge Ruffin, was decided early in this century, but it was agreed that in the interest of public morality it should not be published.[1]

[1] Inquiry of the Clerk of the Supreme Court fails to discover the papers in reference to the case; but since there is no other index to the Supreme Court cases than the printed reports it is quite possible that the papers are preserved, but so lost among a vast number of documents that only a long and careful search would bring them to light.

CHAPTER II.

FREE NEGROES AND EMANCIPATION.

Emancipation.—During the colonial period emancipation was forbidden except for meritorious conduct to be adjudged by the County Court,[1] and this law was confirmed by the Assembly in 1777 (chap. 6) and further explained in 1796 (chap. 5).[2] At the beginning of the Revolution "some evil-minded persons intending to disturb the public peace" liberated their slaves and left them at large in the community. The authorities in Perquimons and Pasquotank counties took up the negroes and resold them into slavery. The Legislature confirmed these sales and provided that other such slaves at large might be sold in the same way; provided, however, that this law did not extend to such of these negroes as had enlisted in the patriot army.[3]

These slaves had been freed by the Quakers, who were at that time very active in favor of emancipation. Their liberated slaves were going about, said the Assembly, "to the terror of the people of the State." The law which forbade their liberation was a failure, because it left the duty of informing of its violation to freeholders only and made their action optional. To remedy this condition the Assembly in 1788 (chap. 20) gave the duty of informing on such liberated slaves to any freeman, and thus secured the co-operation of the landless whites who were usually strangely willing to have a fling at the slaves and who, no

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[1] See the author's "Slavery and Servitude," pp. 64–66.

[2] When the Superior Courts were created the judging of meritorious conduct was left to them. Revisal of 1821, chap. 971.

[3] Laws of 1779, 2d session, chap. 12.

doubt, were anxious to get the reward offered for such information.

After the San Domingo revolt in 1791 much concern was felt in the Southern States lest the success of the slaves there should inspire attempts at insurrection in the United States. Several new features of the slave law were added, one of which provided that no slave should be liberated unless he could give bond in the sum of £200 that he would remain quiet and orderly.[1]

In 1830 (chap. 9) it was made more difficult to emancipate. Now, the petitioner must notify his intention at the court house and in the *State Gazette* six weeks before the hearing of the petition; he must give bond with two sureties for $1000 that the said slave should conduct himself well as long as he or she remained in the State, that the slave would leave the State within ninety days after liberation, and the said liberation should invalidate the rights of no creditor. Executors of wills by which slaves were directed to be liberated must secure consent of the courts and take steps to send the negroes out of the State and guard against the loss of creditors. A slave more than fifty years old might be liberated for meritorious conduct to be approved by the Court without subsequently leaving the State, provided that the master swore that the emancipation was not for money and that he gave bond that the negro would conduct himself well and not become a charge on the county. No slave was to be liberated except by this law.[2] This law remained in force till the war.[3] Within the strict conditions herein embraced, ruled the Supreme Court in 1841, it was the policy to facilitate emancipation.[4] Besides this method, slaves were occasionally freed by special Act of the Assembly.

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[1] Laws of 1795, chap. 16.

[2] Revised Statutes, chap. 111, secs. 57–64.

[3] Revised Code, chap. 107, secs. 45–53.

[4] Cameron *vs.* Commissioners of Raleigh (the Rex Will Case), 1 Iredell's Eq., p. 436.

Among the various cases reported from the Supreme Court in regard to emancipation there are several from which the point is obtained that the freedom of slaves could be acquired through prescription. For instance, it was held that when a woman who had once been a slave, but who for thirty years or more, had been treated as a free person, and her daughter with her, then a granddaughter must be free; for it would be proper to infer that so long an enjoyment of freedom must have followed legal emancipation. It was not attempted to fix the time necessary to constitute such liberation by prescription; but in the cases cited thirty and forty years are the periods mentioned.[1]

In Sampson *vs.* Burgwin[2] a decided tenderness for the slave is observed in the Court. Here suit was brought to invalidate the emancipation of a slave, because, being but two years old when liberated and being freed along with her mother, she could not have performed meritorious services. The Court held that the act of liberation was that of "a court of conclusive jurisdiction, and could not be impeached by evidence that she had not and could not perform such services." It also decided that a petition of an owner to free slaves need not be in writing, and that "in an action by a negro to try his right to freedom if evidence of his being reputed to be a freeman is offered it is admissible to show in reply acts of ownership inconsistent with reputation." The opinion was by Ruffin, Chief Justice.

Granting permission to liberate was not liberation, as was held in the case of Bryan *vs.* Wadsworth.[3] Here Elizabeth Bryan, of Craven County, had in 1808 received permission from the County Court to liberate her slave Abram for meritorious services and gave the bond required for the same; but further she did not go. She kept Abram as a slave till 1820, when she sold him. He then sued for

[1] Brookfield *vs.* Stuart, 6 Jones, p. 156; Cully *vs.* Jones, 9 Iredell, p. 168; Strange *vs.* Burnham, 12 Iredell, p. 41.

[2] 3 Devereaux and Battle's Law, p. 28.

[3] 1 Devereaux and Battle's Law, p. 384.

his freedom. He lost the case. It was held that only the master could emancipate and that the Court only gave permission to emancipate.

The harshness of the law led to various subterfuges in regard to emancipation. It was attempted to hold slaves in nominal servitude, but in real freedom. This was opposed for the general reason that it increased the free negro class and whenever a case involving such a trick came before the Supreme Court it was severely handled. A case in point was that of the Quakers, which arose as follows: In 1817 William Dickinson conveyed a slave to the trustees of the Quaker society of Contentnea, to be held in a kind of guardianship, to be kept at work but to receive the profits of his labor, and ultimately to be free when his freedom could be effected by the laws of the State. In 1827 the matter was before the Supreme Court. It was in evidence that nothing was said about sending the slave out of the State when he should be freed. On the contrary it seemed to be the purpose of the parties to keep him in the State till free, and then to let him go where he would. The opinion was by Taylor, Chief Justice. He declared that the practice of the Quakers was emancipation in everything but name. By statute a religious society could hold property for its use only, and in a conveyance to it for a purpose forbidden by the policy of the laws nothing was passed. That the Quakers did not hold this slave, or other slaves, for their own use was shown by the fact that slaveholding was against their well-known principles. Justice Hall dissented. He thought a religious society might hold personal property unlimitedly and seems not to have approved of the law which fixed such stringent measures against emancipation.[1] Regardless of this decision, as will be seen later on, the Quakers, as a society, continued to hold slaves for purposes of emancipation.

A case not unlike this occurred in 1822, when Collier Hill left slaves to four trustees, one of whom was "Richard

[1] Contentnea Society *vs.* Dickinson, 1 Devereaux, p. 189.

Graves, of the Methodist Church," with the injunction to keep the said slaves for such purposes as "they [the trustees] shall judge most for the glory of God and the good of the said slaves." The case came before the Supreme Court, and the opinion declared that such a bequest, "when it could be fairly collected from other parts of the will that the testator did not mean by the bequest any personal benefit to the legatees, was held to constitute them trustees for the purpose of emancipation," and as such purpose was illegal it was held that the trustees take the property in trust for the legal heirs.[1]

In all these cases the cast-iron necessity of keeping slavery unbendingly confined to its present condition, cutting off the least tendency to amelioration, is clearly seen. Slavery absolute—nothing short of it—and as few free negroes as possible; that was the idea.

As time passed this feature of the law became harder. Most severe was a case before the Court in 1849. The facts were these. William Quarry, of Mecklenberg, conveyed by deed absolute to Peoples and others a slave woman Linney, who was married to a freeman. Desiring that she might continue to live with her husband he conveyed to the same parties twelve acres of land with a house on it, presumably for her use. No consideration was paid, although it was duly acknowledged. The defendants claimed that they were absolute owners, that the donor conveyed the woman and her family to provide for her comfort and to prevent the division of the family. They allowed the husband to occupy the house with his wife for a certain rent. They took her and her children under their personal care and agreed to control their conduct. Yet the arrangement would not do at all. It was, said the Court, qualified slavery, and the conveyance was void. Linney and her children were given to the heirs of the donor, and, moreover,

[1] Huckaby *vs.* Jones, 2 Hawks, p. 720. See also Stephens *vs.* Ely, 1 Devereaux's Equity, p. 497.

the donees were held liable, "with just deductions," for the profits due from her services while in their hands, and because the defendants had attempted to defraud the law they were to pay the costs.[1]

Severe as these cases seem the Court showed that within the range of the fact that the free negro class must not be extended they were disposed to be as humane as possible. In the case of Redding *vs.* Long,[2] a grantor had given slaves in trust during his lifetime and directed the trustee to send them to Liberia after the grantor's death, if they wanted to go. The Court declared that this will was not against the spirit of the laws. "Though slaves have no capacity to make contracts," said the Court, "yet they have both mental and moral capacity to make election between remaining here and being slaves, and leaving the State and being free."

Free Negroes.—Slaveholders disliked and feared free negroes because they demoralized the quiet conduct of the slaves. These negroes were under no direct control of the white man. They might aid the slaves in planning a revolt, in disposing of stolen property, in running away, and in any other act of defiance. Privilege after privilege was withdrawn from them. At first they had most of the rights and duties of the poor white man; they fought in the Revolutionary armies, mustered in the militia, voted in the elections, and had the liberty to go where they chose. At length they lost their right to vote; their service in the militia was restricted to that of musicians; and the patrol came more and more to limit their freedom of travel. Taxes and road duty alone of all their functions of citizenship were at last preserved. The story of the appearance of these progressive limitations is not a pleasant one.

It was in 1787 (chap. 6) that the Assembly enacted that no free negro should entertain a slave at his house at night or on Sunday, on penalty of fine. If the fine was not paid the culprit was to be hired out long enough to pay it. The

[1] Lemmond *vs.* Peoples, 6 Iredell's Equity, p. 137.
[2] 4 Jones' Equity, p. 216.

same law forbade a free negro to marry or to cohabit with a slave without the written consent of the master, and in 1830 (chap. 4, sec. 3) such relations were forbidden even though the master gave his written consent, and the penalty for violation was thirty-nine lashes.[1] In 1795 (chap. 16) free negroes who settled in the State were required to give bond of £200 for their good behavior, in default of which they were sold by the sheriff for the benefit of the public. In 1826 (chap. 13) a free negro was forbidden to be on a ship at night, or on Sunday, without a pass from a justice of the peace, unless, indeed, he were employed there; but the punishment for a violation of this law fell on the captain of the ship. Neither must a free negro trade with a slave, and a free negro must have a license from the County Court to hawk or peddle.[2]

The collection of fines from free negroes was often difficult, and in 1831 (chap. 13) the Legislature enacted that when the Court had reason to believe that a free negro could not pay the fine imposed upon him it might direct that he be hired out to the highest bidder for a time long enough to pay the fine. The bidder who bid the shortest time took the negro. The relation between hirer and hired was to be the same as that between master and apprentice. A free negro was not to be hired out in this way for a longer term than five years. If a longer term was the lowest bid the fine was to be reduced to an amount which five years' service would satisfy.[3] Later it was thought necessary to provide that such a free negro should be well supplied with food, clothing, medicine and lodging; that he should be kept employed in some useful and industrious occupation, that he should not be taken from the county during service, and

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[1] State *vs.* Fore, 1 Iredell, p. 378.

[2] Laws of 1830, chap. 7, and 1831, chap. 28.

[3] The constitutionality of this law was questioned but it was upheld by the Supreme Court. See State *vs.* Oxendine, 1 Devereaux and Battle, p. 435, and State *vs.* Manuel, 4 Devereaux and Battle, p. 20.

that he should be produced in Court at the end of his service or oftener, if so ordered by the Court.[1]

In 1826 (chap. 21) the relation of the free negro to the State was pretty thoroughly restated by law. With free negroes were now to be included all persons of negro blood to the fourth generation inclusive, though one ancestor in each generation may have been white.[2] It was declared that no free negro should move into the State; and if one did so and did not leave within twenty days after being notified of the provisions of this law he should be fined $500, or held to labor for ten years or less. After paying such a penalty he must leave within thirty days or suffer a repetition of the punishment. He who brought in a free negro to settle in the State should pay a fine of $500.[3] Any able-bodied free negro "found spending his or her time in idleness and dissipation, or having no regular or honest employment," was to be arrested and made to give bond for good behavior, in default of which he or she was to be hired out for such a term as the court might think "reasonable and just and calculated to reform him or her to habits of industry or morality, not exceeding three years for any one offense." Furthermore the Courts might bind out the children of such free negroes who were not industriously and honestly employed. Persons hiring free negroes under this act were required to furnish them with proper food and clothing, to treat them humanely, and to teach them some trade or other useful employment. In the later days of slavery[4] the hirer was to give bond to perform this duty, and on failure he was to pay the negro the amount of the bond, and also to lose his services and be liable for a misdemeanor. A further check was placed on the number of free negroes in 1830

[1] Revised Code, chap. 107, sec. 77.

[2] See State *vs.* Dempsy, 9 Iredell, p. 384.

[3] It was under the operation of this law that Lunsford Lane was driven from the State. See the author's "Anti-Slavery Leaders of North Carolina," p. 60.

[4] Revised Code, chap. 107, sec. 77.

(chap. 14) when it was provided that those who were willingly absent from the State for more than ninety days together should not be allowed to return to it. It was a capital offense without benefit of clergy for any person of color to rape a white female.[1] By law of 1830 (chap. 10, sec. 2) a free negro was forbidden to gamble with a slave, or to allow a slave to gamble in his house. A further restraint came in 1840 (chap. 30) when a free negro was forbidden to carry a gun or other deadly weapon without license from the County Court.[2] A free negro was not allowed to sell or to give spirituous liquor to any person whatever,[3] and if a free negro were charged with the support of a bastard child, the Court might order him bound out for such a sum as would maintain the child.[4] Thus it will be seen that in regard to his rights of conduct the free negro was reduced more and more to the position of the slave.

The legal status of the free negro was peculiar. Was he a freeman, or was he less than a freeman? The former he was by logical intent; yet he was undoubtedly denied, as has just been stated, many rights which mark the estate of freemen. At any time in the eighteenth century, I suppose, there would have been no question about the free negro being equally a freeman with the whites. After the severe laws of the third and fourth decades of the nineteenth century opinion changed. It was thus that it was as late as 1844 that the Supreme Court undertook to fix the status of free negroes. It then declared that "free persons of color in this State are not to be considered as citizens in the largest sense of the term, or if they are, they occupy such a position as justifies the Legislature in adopting a course of policy in its acts peculiar to them, so that they do not violate the great principles of justice which lie at the foundation of all law."[5] This position is further illustrated by the opinion of the Court in regard to the free negro's right to

[1] Laws of 1823, chap. 1229. [2] State *vs.* Lane, 8 Iredell, p. 256.
[3] Laws of 1844, chap. 86. [4] Revised Code, chap. 107, sec. 76.
[5] State *vs.* Newsom, 5 Iredell, p. 250.

defend himself against physical force. It was held in 1850 that insolence from a free negro to a white man would excuse a battery in the same manner and to the same extent as insolence from a slave.[1] In 1859 the Court became more explicit. It declared that a free negro was in the peace of the State, and added at length: "So while the law will not allow a free negro to return blow for blow and engage in a fight with a white man under ordinary circumstances, as one white man may do with another or one free negro with another, he is not deprived absolutely of the right of self-defense, but a middle course is adopted" by which he must prove "that it became necessary for him to strike in order to protect himself from great bodily harm or grievous oppression."[2]

More important still is the history of free negroes and suffrage.[3] The first State Constitution provided that freeholders should vote for members of the State Senate and freemen for members of the House of Commons. By statute a freeholder was one who owned in fee or for life fifty acres of land. When the Constitution began to operate it was a day of strenuous danger. Free negroes were enlisted in the patriot armies, and discharged the other burdens of government. They were admitted also to the privileges of citizenship. Negro freemen voted for members of the Commons and when they were freeholders they voted for members of the Senate. Having formed political alliances they found protectors in their party allies, and, eventually, foes in their party opponents. As they became more and more the object of suspicion there was a stronger demand for their disfranchisement. In some localities they ceased to vote at all. This was probably where the political party with which they affiliated was in the minority. In many communities they voted and were protected by their friends.

[1] State *vs.* Jowers, 11 Iredell, p. 535.

[2] State *vs.* Davis, 7 Jones, p. 52.

[3] See the author's paper on "Suffrage in North Carolina," Report of the American Historical Association, 1895, pp. 272–3.

Of course, where they did not vote it was through their own will—whether it was influenced by choice or by fear of the whites. Unquestionably, they were not a desirable class of voters. In Granville County, it is said, they lost the favor of the people because they persistently voted for one Potter, a demagogue of plausible speech, who had not the respect of the best whites. At length it came to be regarded as a blot on a man's political record to have the support of the free negroes. It was not unusual for candidates to twit one another with such support and for the one to reply that he would give up the negro vote if the other would do the same.[1]

In the triumph of the pro-slavery views, about 1830, the free negro was destined to lose the franchise. The matter came to a head in the Constitutional Convention of 1835. Already a law had been passed to forbid the free negro to hold office in the State. I do not know just how the act which called the Constitutional Convention came to include in the objects of the convention the consideration of the disfranchisement of free negroes. Perhaps it was a compromise wrung from the men of the West by those of the East in order to get popular representation. Its consideration was made optional. There were many friends of the black man in the convention, but the majority was against him. Realizing their position they tried to secure a law which would save the franchise to the more industrious and intelligent of the free negroes. It was therefore proposed to limit the right to vote to such of this class as had a freehold estate worth $250. The debate on this proposition was long. It was argued by the affirmative that this would be an incentive to the thrift and good conduct of the free negroes; that it would make the better men in that class friends of the whites in case of slave riot; that many free negroes had fought in the Revolution; that they usually

[1] See David Dodge: "The Free Negroes of North Carolina," *The Atlantic*, Jan., 1886. David Dodge is O. W. Blacknall, Esq., Kittrels, N. C.

voted for good men when they voted, and that if they were taxed they ought to vote. It was admitted that the bill of rights was intended to apply to white men only; but, it was said, expediency demanded the present concession. It was not denied that the prejudice against these people was justified by the unworthiness of many of them; but the whites were largely responsible; for, it was added, "the whites are the principal corrupters of the morals of these people." Mr. Shober, of Surry, an extremely western county, was more outspoken. He said that it was sufficient for him that a free negro was a human being, that he had a will and was a free agent. If held liable for taxes and other burdens he ought to have some privileges. Said Mr. Giles: "It was charged that the vote of the free negro could be purchased—purchased by whom? Undoubtedly by white men. The Legislature had been remiss in its duty to the free negroes. Instead of improving their situation they appear to have acted on a principle of hostility toward them." The convention ought to do something to raise them from their degradation. Judge Gaston also spoke for the negro. After Macon he was the most distingished man in the convention. The question, said he, was not the giving of a right but the taking of one away. He was willing to restrict the right of suffrage; but those free negroes who possessed freeholds were honest men and perhaps Christians and they should not be politically excommunicated on account of their color. "Let them know that they are part of the body politic, and they will feel an attachment to the form of government, and have a fixed interest in the prosperity of the community, and will exercise an important influence over the slaves."

On the other hand, it was argued that a free negro was not a citizen, and that if he had ever voted it was illegally. Being called freemen in the abstract did not confer on them the dignity of citizenship. Fighting in the Revolution did not make them citizens any more than it made citizens of the slaves, many of whom fought in the Revolution. The

lot of the free negro was not a hard one. "It far surpassed the nondescript situation of the ancient Helots and villeins, or the ignoble condition of the oppressed peasants of Poland." A slave was not a citizen. When was a freed slave naturalized? And until naturalized could he be a citizen? Citizens of one State have privileges of citizens in the other States, and yet North Carolina severely restricted their coming to its borders, thus implying that they were not citizens. It was granted that the better class would suffer hardship in losing the right of suffrage, yet the interest of a few must yield to the general good. Although, it was said, free negroes voted elsewhere in the State, yet the privilege was not allowed to those in the eastern counties, and they had accepted the restriction "with cheerfulness and contentment." The cold logic of the views of the majority was stated by Mr. Bryan, of Carteret, as follows:

"This is, to my mind, a nation of white people, and the enjoyment of all civil and social rights by a distinctive class of individuals is purely permissive, and unless there be a perfect equality in every respect it cannot be demanded as a right. * * * It may be urged that this is a harsh and cruel doctrine, and unjust, and by no means reciprocal in its operation. I do not acknowledge any equality between the white man and the free negro in the enjoyment of political rights. The free negro is a citizen of necessity and must, as long as he abides among us, submit to the laws which necessity and the peculiarity of his position compel us to adopt."

Mr. McQueen, of Chatham, continued the argument: The Government of North Carolina did not make the negro a slave, said he. It gave the boon of freedom, but did that carry the further boon of citizenship? "Is there any solid ground for the belief that a free mulatto can have any permanent interest with, and attachment to, this country? He finds the door of office closed against him by the bars and bolts of public sentiment; he finds the circle of every

respectable society closed against him; let him conduct himself with as much propriety as he may, he finds himself suspended between two classes of society—the whites and the blacks—condemned by the one and despised by the other; and when his favorite candidate in the election prevails, it communicates no gratification in his breast, for the candidate will be a white man, and he knows full well that the white man eyes him with contempt." More relentless still was Mr. Wilson, of Perquimons. He said: "A white man may go to the house of a free black, maltreat and abuse him, and commit any outrage upon his family, for all of which the law cannot reach him, unless some white person saw the act committed—some fifty years of experience having satisfied the Legislature that the black man does not possess sufficient intelligence and integrity to be intrusted with the important privilege of giving evidence against a white man. And after all this shall we invest him with the more important rights of a freeman?"

After the discussion had continued two days, the matter was carried against the free negro by a vote of 65 to 62. It was the strongly slaveholding East that carried the vote; for, of the majority, 47 votes were eastern and 18 were western, while of the minority 40 were western and 22 eastern. The amendment to the Constitution as finally adopted read: "No free negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive (though one ancestor of each generation may have been a white person) shall vote for members of the Senate or House of Commons."

There were more free negroes in North Carolina in 1860 than in any other State except Virginia. Rigorous as they were the North Carolina laws against these people were more lenient than the laws of Virginia or of any other State. Consequently many free negroes quietly crossed into the former State and settled there undisturbed in the northern or southern counties. They took the poorest land. Usually they rented a few acres; often they bought a small

"patch," and on it dwelt in log huts of the rudest construction. In either case they supplemented their resources by following some simple trade. They were well-diggers, shoemakers, blacksmiths, fiddlers, hucksters, pedlers, and so forth. Besides, they were easily called in to help the whites on occasions of need. There were a very few who accumulated money and some of these became slave-owners. Although it was against the law for them to come into the State, their arrival was tolerated both because the law was recognized as severe and because their services were wanted in the community. Many of them had Indian blood in their veins, and when such was the case they were a little distant towards the slaves. Unambitious, often immoral, they were of the least value to society, which, indeed, offered them no inducement to be better than they were. They usually were on terms of friendship with that other class of incompetents, the "poor whites." Sometimes these two classes lived on terms of sexual intimacy. In Granville County there was a pretty well authenticated story of a white woman who had her colored lover bled and drank some of the blood so that she might swear she had negro blood in her and thus be enabled to marry the object of her affection. She succeeded in her purpose and the couple lived to rear a family of children.[1] I have been speaking of free negroes who lived in the country districts. In towns they fared better and accumulated wealth.

Regardless of the severe laws there were not a few free negroes who acquired wealth and consideration. Of this class were notably Rev. John Chavis, Lunsford Lane and John C. Stanley. The first of these will be noticed in another chapter, the second has been treated by the author with much fulness elsewhere,[2] and here I shall speak of the third only.

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[1] David Dodge [O. W. Blacknall] in *The Atlantic Monthly*, Jan., 1886.

[2] "Anti-slavery Leaders of North Carolina," p. 60.

John C. Stanley was a mulatto, the son of an African born slave woman, who was brought to Newbern, N. C. (from the West Indies), before the Revolutionary War. He was a barber by trade and throughout his days of manhood was known as "Barber Jack." He was a faithful servant, and in 1808 he was liberated by the General Assembly on petition of Mrs. Lydia Stewart, into whose possession he had come. He soon began to acquire negro slaves and land till at length he had sixty-four slaves and as many more bound free negroes working his several plantations. Says Col. John D. Whitford: "He was popular, too, with both slave and free negroes generally, notwithstanding he was a hard taskmaster. Yes, he worked all well and fed and clothed indifferently."[1] He married a moor, a copper colored woman who was not a slave. He got his start in the barber business—although he made much of his money by discounting notes. Certain white men of means who did not care to go openly into the business of sharp discounting, took him for a partner and furnished the means. He had three sons, John, Alexander and Charles. John became an expert bookkeeper and was employed in that capacity by a prominent firm. John C. Stanley amassed a fortune supposed to be worth more than $40,000; but in his old age he lost much of it by bad management. His family held themselves aloof from the other negroes of the community. They were members of the Presbyterian Church, to which Mrs. Stewart, his former mistress, had belonged. This lady lived till 1822, and when old and feeble could be seen on the streets in fine weather supported on the arm of her faithful old servant—now fourteen years a freeman. Thus she took the air and thus she went to church on Sunday. When the couple had arrived at the church, John would conduct her to

[1] See Raleigh, N. C., *Morning Post*, Dec. 5, 1897. Other facts not mentioned by Col. Whitford are from statements made to the writer by Maj. D. W. Hurt, Goldsboro, N. C.

her pew and then leave her to take his seat with his own family in the place assigned to colored people.

Many of the free negroes were in circumstances of independent thrift, and from many parts of the State I have had evidence that some negroes were slaveholders. In Newbern especially there were a number of such thrifty colored men. Notable among these was John Good. He was a son of his master and for a long time a slave. When the master died, his two surviving children, who were daughters, had but little property besides this boy, John, who was a barber. John took up the task of supporting them. He boarded them in good houses and otherwise provided for them well. His faithfulness won him many friends among the best citizens, and when both of his mistresses were married these friends united to persuade the owners to liberate him as a reward for his services. Unfortunately, freedom proved no boon. He fell into bad habits, took to drink and soon died. There were other thrifty and notable free negroes in the same place, as, for example, John Y. Green, a carpenter and contractor; Richard Hazel, a blacksmith of means; Albert and Freeman Morris, described as two "nice young men," and thoroughly respected, tailors by trade; and Scipio, slave of Dr. Hughes, who was a blacksmith and owner of a livery stable. Another was Fellow Bragg, a tailor who was thoroughly conscientious and so good a workman that prominent people were known to move their custom to the shops at which he was employed in order that he might work on it. Most of these men moved to Cincinnati sooner or later. What became of them after that I do not know.[1] The conditions here recorded for Newbern were not unusual for North Carolina towns in general. Everywhere there were usually a number of prosperous free negroes. Most of them were mulattoes, not a few of them were set free by their fathers and thus they fell easily into the life around them.

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[1]The facts in this paragraph are from Maj. D. W. Hurt, formerly of Newbern, but now of Goldsboro, N. C.

This mulatto class was partly due to the easy sexual relations between the races. A white man who kept a negro mistress ordinarily lost no standing in society on account of it. The habit, though not common, was not unusual. Often the mistress was a slave, and thus there were frequent emancipations either by gift or by purchase of liberty, till the stricter spirit of the laws after 1831 checked it.

CHAPTER III.

RELIGIOUS LIFE.

I have already said that the central idea of slavery in North Carolina was a determination to perpetuate the institution, whatever the price, and at the same time a disposition to make it as gentle as possible for the slave, provided that doing so did not tend to loosen his bonds. This same idea is found in the master's regulation of the religious life of the slave. Without question he was willing to make the slave a Christian. He was anxious to do it. He spent money with more or less bountifulness to do it. This was sometimes done by men who were not Christians themselves, but who wanted their slaves to be Christians for the purposes of discipline; but oftener it was done out of pure benevolence, and with a devout purpose to accomplish the spiritual welfare of the negro. Persons who have formed their opinions of Southern society from the popular works of certain novelists are apt to think of the slave-owner as a fine-bred gentleman of cavalier instincts and patriarchal feelings. Such an estimate is but half true. There was in the South—in North Carolina it was very strong—a large class of slave-owners who approached more nearly to the English farmer type than to the English gentleman type. They were usually self-made men, of fair intelligence, and of some education. They were generally thrifty and often wealthy. The majority of them were Christians, mostly of the Methodist, Baptist and Presbyterian Churches. This class of men has received but little attention from those who have written of Southern society, and yet it was the backbone of that society. There was little that was ideal about such men. They were humdrum, but they were honest,

pious and substantial, and they were numerous. Such people are to be compared, not only in wealth, but in general social development as well, with the upper farmer class in the North and West. I do not mean to say that they were all of the South. The planter class, in the ordinary use of the term, was there, and it was the governing class and the class that touched the outside world. It went to summer resorts, and to Congress, and to political conventions, and it got into novels, and sometimes into history, and it was usually benignly patriarchal, but the farmer class as a class came closer into touch with the slave and in a hundred ways softened the harshness of an institution which no one knew how to modify in law.

It was, indeed, in a harsh spirit that the law came at last to regulate the religious relations of the slave. In the beginning, when the slaves were just from barbarism and freedom, it was thought best to forbid them to have churches of their own. But as they became more manageable, this restriction was omitted from the law[1] and the churches went on with their work among the slaves. A large number of negroes were converted and taken into church membership, some of the more intelligent negroes were taught to read and were licensed to preach. Some churches made a specialty of work among the slaves. Often negro preachers held services with their own race and sometimes established separate congregations, though the latter was not the rule. The advantage of this system was that it was developing the negro into self-dependence religiously, but doing it under the intimate oversight of the whites among whom he was interspersed. Never before or since was the relation between the negro and his white neighbors so auspicious. The change came openly in 1830, when a law was passed by the General Assembly which destroyed the hopes of all those who were favorable to this movement. It was enacted that no free person or slave should teach a slave

[1] See the author's "Slavery and Servitude," p. 50.

to read or write, the use of figures excepted, or give to a slave any book or pamphlet.[1] This law was no doubt intended to meet the danger from the circulation of incendiary literature, which was believed to be imminent; yet it is no less true that it bore directly on the slave's religious life. It cut him off from the reading of the Bible—a point much insisted on by the agitators of the North—and it forestalled that mental development which was necessary to him in comprehending the Christian life. The only argument made for this law was that if a slave could read he would soon become acquainted with his rights. Caruthers thought it a shame that a Christian people would make such arguments. "How dare you," he exclaims, "by your impious enactments doom millions of your fellow-beings to such a gross and perpetual ignorance!"[2] A year later a severer blow fell. The Legislature then forbade any slave or free person of color to preach, exhort, or teach "in any prayer-meeting or other association for worship where slaves of different families are collected together" on penalty of receiving not more than thirty-nine lashes.[3] The result was to increase the responsibility of the churches of the whites. They were compelled to abandon the hope of seeing the negro made his own evangel and to take on themselves the task of handing down to the slaves religious instruction in such a way that it should be comprehended by their immature minds and should not be too strongly flavored with the bitterness of bondage. With the mandate of the Legislature the churches acquiesced.

As to the preaching of the dominant class to the slaves it always had one element of disadvantage. It seemed to the negro to be given with a view to upholding slavery. As an illustration of this I may introduce the testimony of

[1] Revised Statutes, pp. 209, 578, and Revised Code, p. 218.

[2] See the unpublished manuscript of E. W. Caruthers's book on "Slavery," p. 396. It is preserved in the library of Greensboro Female College, Greensboro, N. C.

[3] Revised Statutes, p. 580, and Revised Code, p. 576.

Lunsford Lane. This slave was the property of a prominent and highly esteemed citizen of Raleigh, N. C. He hired his own time and with his father manufactured smoking tobacco by a secret process. His business grew and at length he bought his own freedom. Later, he opened a wood yard, a grocery store and kept teams for hauling. He at last bought his own home, and had bargained to buy his wife and children for $2500, when the rigors of the law were applied and he was driven from the State. He was intelligent enough to get a clear view of slavery from the slave's standpoint. He was later a minister, and undoubtedly had the confidence and esteem of some of the leading people of Raleigh, among whom was Governor Morehead. He is a competent witness for the negro. In speaking of the sermons from white preachers he said that the favorite texts were "Servants, be obedient to your masters," and "he that knoweth his master's will and doth it not shall be beaten with many stripes." He adds, "Similar passages with but few exceptions formed the basis of most of the public instruction. The first commandment was to obey our masters, and the second was like unto it; to labor as faithfully when they or the overseers were not watching as when they were. I will not do them the injustice to say that connected with this instruction there was not mingled much that was excellent." All this was natural. To be a slave was the fundamental fact of the negro's life. To be a good slave was to obey and to labor. Not to obey and not to labor were, in the master's eye, the fundamental sins of a slave. Such a condition was inherent in slavery. On the other hand, many of the more independent negroes, those who in their hearts never accepted the institution of slavery, were repelled from the white man's religion, and thus the support of a very valuable portion ot the race was lost. This condition of affairs was not to be entirely remedied by having negro preachers; but it might have been ameliorated by it, and if, in the long course of time, the church work among the slaves could have been done entirely by

negro preachers acting under white supervision the salvation of the slave would have been very near its accomplishment.

As it was, it is no doubt true that many slaves were reached by religious influences. Through the teachings of the church many were enabled to bend in meekness under their bondage and be content with a hopeless lot. There are whites to whom Christianity is still chiefly a burden-bearing affair. Such quietism has a negative value. It saves men from discontent and society from chaos. But it has little positive and constructive value. The idea of social reform which is also associated with the standard of Christian duty was not for the slave. Those very few who, like Lunsford Lane, did work themselves heroically to freedom were acting on principles not usually preached from the pulpit in the latter part of our period.

How a slave looked at the religion that was brought to him may be seen from the following words of Lunsford Lane, who seems to have been a consistent Christian:

> I was permitted to attend church, and this I esteem a great blessing. It was there I received much instruction, which I trust was a great benefit to me. I trusted, too, that I had experienced the renewing influences of divine grace. I looked upon myself as a great sinner before God, and upon the doctrine of the great atonement, through the suffering and death of the Saviour, as a source of continual joy to my heart. After obtaining from my mistress a written permit, a thing always required in such cases, I had been baptized and received into fellowship with the Baptist denomination. Thus in religious matters I had been indulged in the exercise of my own conscience; this was a favor not always granted to slaves. There was one hard doctrine to which we as slaves were compelled to listen, which I found difficult to receive. We were often told by the minister how much we owed to God for bringing us over from the benighted shores of Africa and permitting us to listen to the sound of the gospel. In ignorance of any special revelation that God had made to master, or to his ancestors, that my ancestors should be stolen and enslaved on the soil of America to accomplish their salvation, I was slow to believe all my teachers enjoined on this subject. How surprising, then, this high moral end being accomplished, that no proclamation of emancipation had before this been made! Many of us

were as highly civilized as some of our masters, and, as to piety, in many instances their superiors. I was rather disposed to believe that God had originally granted me temporal freedom, which wicked men had forcibly taken from me—which now I had been compelled to purchase at great cost. * * * There was one very kind-hearted clergyman whom I used often to hear; he was very popular with the colored people. But after he had preached a sermon to us in which he urged from the Bible that it was the will of Heaven from all eternity that we should be slaves, and our masters be our owners, many of us left him, considering, like the doubting disciple of old, "This is a hard saying, who can hear it?"[1]

Dr. Caruthers, whose long pastorate in Guilford ought to have given him good grounds for speaking, said that slaves knew little of the Bible, except as they picked it up from others, "and that little," he adds, "they don't know half their time whether to believe or disbelieve. It is often said that many of them become very pious people, and although we can't know the heart, charity would lead us to believe or hope so; but no thanks to slavery or the slave laws." It was the Lord's work. The negroes who were spoken of as pious, said he, did not have "those enlarged views or that expansion of soul which is always imparted by scriptural and enlightened sentiments of immortality."[2]

All the churches of North Carolina, so far as I have been able to ascertain, received freely negro members. Every church had its space reserved for negroes. It was almost invariably in the gallery, if there was one, or in the back of the church, if there was no gallery. In the ceremony of the Lord's Supper, after the whites had partaken, the sacrament was administered to the negro members. In many churches, particularly of Methodist and Baptist denominations, which had often many colored communicants, there was a special service in the afternoon by the white preacher for the negroes. It was to these two churches that most of the negroes joined themselves, although there were some in each of the other leading bodies. There was much reason

[1] See Hawkins' "Memoir of Lunsford Lane," 64–66.
[2] See manuscript book on "Slavery," p. 294.

for this. These two churches in North Carolina were organized for the masses. Their doctrines were easily comprehended and emotional; and the negro is a creature of emotions. Moreover these bodies made special efforts to reach the negroes. They went among the large slave plantations as missionaries. Other denominations paid more attention to household slaves. In not a few cases Methodism began with negro congregations and in at least one place it was introduced by a negro preacher. But true as it was that the Methodists and Baptists attracted the negroes more strongly, it was perhaps equally true that the Quakers, in proportion to their own numbers, were more closely intimate with the negroes than any other religious body in the State. Of this more will be said later on. Let us now consider the Methodists and the slave.

In the eighteenth century the record of the Methodists was clearly against slavery. John Wesley himself said that the slave trade was the sum of all villainies, although Whitefield was not opposed to it. The anti-slavery sentiment was strongest in the Northern Conferences, although it was not unknown in the Southern. As early as 1780 the Conference of all the Church declared: "Slavery is contrary to the laws of God, man and nature and hurtful to society, contrary to the dictates of conscience and pure religion, and doing that which we would not that others should do to us and ours."[1] In 1784 the Conference resolved to expel from membership those who bought and sold slaves.[2] This step was calculated to arouse much opposition in the South among the laymen, even if the preachers had favored it. It occasioned much criticism and aroused much feeling in both Virginia and the two Carolinas. In the spring of 1875, Dr. Coke arrived in America. He preached strongly against slavery and got the Virginia Conference to petition the Legislature for gradual emancipation. This made him very unpopular, so much so that he barely escaped bodily violence. The slaveholders now withdrew their slaves from

[1] Conference Minutes, p. 25. [2] *Ibid.*, pp. 47–48.

contact with Methodist preachers.[1] The Conference of 1785 thought it prudent to rescind its former action, but was particular to add: "N. B.—We do hold in the deepest abhorrence the practice of slavery, and shall not cease to seek its destruction by all wise and prudent means."[2] So far as an open declaration for emancipation is concerned, the Conference was quiet for some time; but in 1795 it showed its concern in the negro's welfare by setting apart a fast day "to lament the deep-rooted vassalage that still reigneth in many parts of this free and independent United States," and it added: "We feel gratified that many thousands of these poor people are free and pious."[3]

As the Church became strong enough to organize Conferences, in the various sections the question of the existence of slavery was referred to these bodies and thus localized to an extent. But one particular question that concerned all was the propriety of allowing a preacher to hold slaves. As early as 1783 the Conference forbade a preacher to own slaves in a State where it was legal to free them.[4] Much discussion grew up over this matter early in the present century. Finally it was settled on the lines earlier adopted. It was agreed in 1816 that no slaveholder should hold office in States which allowed emancipation and subsequent residence of the liberated negro. Here was a distinct compromise fixed on the principle of sectional conditions, the principle which four years later the Missouri compromise followed in the broader sphere of politics.[5] The Church continued the former strong declaration against slavery in the abstract, a declaration which, it was likely, was supported by Southern preachers. It was on the compromise of 1816 that the fight which led to separation in 1844 was made.

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[1] Drew: "Life of Dr. Coke," pp. 132–139.

[2] Conference Minutes, p. 55.

[3] *Ibid.*, pp. 163–164.

[4] *Ibid.*, p. 41, and the Discipline of 1821, p. 69.

[5] See the Discipline of 1817 and Redpath's "Organization of the Methodist Episcopal Church South," p. 10.

The occasion was the censure voted against Bishop Andrew because he had married in Georgia a woman who owned slaves. The Southern organization which was now formed continued its protest against slavery. The first edition of its Discipline, 1846, said in the words of the older Discipline: "We declare that we are as much as ever convinced of the great evil of slavery. Therefore, no slaveholder shall be eligible to any official position in our Church hereafter where the Laws of the State in which he lives will admit of emancipation and permit the liberated slave to enjoy freedom. When any traveling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our Church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformable to the laws of the State in which he lives." Furthermore, preachers were to enforce prudently on their members the duty of teaching slaves to read the Bible and to attend church services. Colored preachers and officials were guaranteed the privileges of their official relation "where the usages of the country do not forbid it." Of all of these ameliorating conditions to the slave but one was applicable in North Carolina; for here he could not be legally emancipated and remain in the State, nor could he be allowed to preach or be taught to read the Bible. It only remained for him to aspire to be some church official lower than a preacher. The original strong desire to christianize the negro, which the Methodists never forsook, was clearly bound and held in restraint in conformity to the newer spirit of harshness that, as has already been said, seized the State Legislature about 1830.

The labors of the Methodists among the slaves began in the very first days of Methodism in the State. The General Conference in 1787[1] urged the preachers to labor among the slaves, to receive into full membership those that seemed

[1] See Minutes of Conference, p. 67. The Methodist Church in America dates from 1784.

worthy, and "to exercise the whole Methodist Discipline among them." How well these efforts prospered may be seen from the following figures: In 1787 there were in North Carolina[1] 5017 white and 492 colored members; in 1788 there were 5263 white and 775 black members; in 1789 there were 6644 whites and 1139 blacks; in 1790 there were 7518 whites to 1749 blacks; in 1795 there were 8414 whites to 1719 blacks; in 1800 there 6363 whites to 2108 blacks; in 1805 there were 9385 whites to 2394 blacks; in 1810 there were 13,535 whites to 4724 blacks; in 1815 there were 14,283 whites to 5165 blacks; in 1820 there were 13,179 whites to 5933 blacks; in 1825 there were 15,421 whites to 7292 blacks; in 1830 there were 19,228 whites to 10,182 blacks; in 1835 there were 27,539 whites to 8766 blacks, and in 1839, which is the last year for which I have been able to obtain the figures, there were 26,405 whites to 9302 blacks. Here was a rapid proportional gain of the blacks over the whites. In 1787 there were not 10 per cent. as many black as white members; in 1839 there were 35 per cent. as many. The membership for each race varied notably, but the variations were wider with the negro race. This indicates, it must be supposed, the more emotional nature of the negro. A wave of revival feeling which would sweep over the country would swell the roll of membership and a few years of coolness would contract it.

Although there were negro Methodists in most sections of the State, they were most numerous in the eastern counties. In this section the Methodists often began their work with an appeal to the slaves—"negro churches," their meeting houses were often called by the more aristocratic denominations. An illustration is Wilmington. Here William Meredith, a Methodist preacher, arrived at the beginning of this century. He began to work among the

[1] The estimates are based on reports in the Minutes. It is doubtful whether some charges near the State boundaries were in North Carolina or out of it. Therefore, the figures may not be absolutely correct, but for purposes of comparison they are adequate.

slaves. He bought a lot, and through the penny collection from the blacks and the scanty contributions of the few poorer whites who had joined with him, a building was completed. This was the beginning of Methodists in the town. Hither came Bishop Francis Asbury in 1807 and preached twice in one day. On the same day, John Charles, a colored preacher, preached at sunrise. The feeling of friendship for him seems to have been great and the good Bishop writes in his journal that it was "a high day on Mount Zion." The attitude of the community was not always tolerant of this "negro church." There were various disturbances, and once the building was wrecked by a mob.[1]

More striking, but not so typical, is the story of the planting of Methodism in Fayetteville. Late in the eighteenth century, Fayetteville had but one church organization, the Presbyterian, and that had no building. One day there arrived in town Henry Evans, a full-blooded free negro from Virginia, who was moving to Charleston, S. C., where he proposed to follow the trade of shoemaking. He was perhaps free born; he was a Methodist and a licensed local preacher. In Fayetteville he observed that the colored people "were wholly given to profanity and lewdness, never hearing preaching of any denomination." He felt it his duty to stop and work among them. He worked at his trade during the week and preached on Sunday. The whites became alarmed and the Town Council ordered him to stop preaching. He then met his flock in the "sand hills," desolate places outside of the jurisdiction of the Town Council. Fearing violence he made his meetings secret and changed the place of meeting from Sunday to Sunday. He was particular to violate no law, and to all the whites he showed the respect which their sense of caste superiority demanded. Public

[1] See "Early Methodism in Wilmington," by Dr. A. M. Chreitzberg, in the Annual Publication of the Historical Society of the N. C. Conference, 1897, p. 1; also Wightman: "Life of Bishop Capers," p. 136.

opinion began to change, especially when it was noticed that slaves who had come under his influence were more docile for it. Some prominent whites, most of whom were women, became interested in his cause. They attended his meetings and through their influence public opinion was reversed. Then a rude frame building was erected within the town limits and a number of seats were reserved for the whites, some of whom became regular attendants at his services. The preacher's reputation spread. The white portion of the congregation increased till the negroes were crowded out of their seats. Then the boards were knocked from the sides of the house and sheds were built on either hand and in these the blacks were seated. By this time the congregation, which had been unconnectional at first, had been taken into the regular Methodist connection and a regular white preacher had been sent to it. But the heroic founder was not displaced. A room was built for him in the rear of the pulpit and there he lived till his death in 1810.

Of Henry Evans, Bishop Capers said: "I have known not many preachers who appeared more conversant with the Scriptures than Evans, or whose conversation was more instructive as to the things of God. He seemed always deeply impressed with the responsibility of his position * * * nor would he allow any partiality of friends to induce him to vary in the least degree from the lines of conduct or the bearing which he had prescribed to himself in this respect; never speaking to a white man but with his hat under his arm, never allowing himself to be seated in their houses and even confining himself to the kind and manner of dress proper for slaves in general, except his plain black coat in the pulpit. 'The whites are kind and come to hear me preach,' he would say, 'but I belong to my own sort and must not spoil them.'" Rare self-control before the most wretched of castes! Henry Evans did much good, but he would have done more good had his spirit been untrammeled by this sense of inferiority.

His last speech to his people is noteworthy. Directly after the morning sermon for the whites it was customary to have a sermon for the blacks. On the Sunday before Evans' death, as the latter meeting was being held the door of his little shed room opened and he tottered forward. Leaning on the altar rail he said: "I have come to say my last word to you. It is this: None but Christ. Three times I have had my life in jeopardy for preaching the gospel to you. Three times I have broken the ice on the edge of the water and swam across the Cape Fear to preach the gospel to you, and if in my last hour I could trust to that, or anything but Christ crucified, for my salvation, all should be lost and my soul perish forever." Of these words Bishop Capers justly says that they were worthy of St. Paul.[1]

The opposition that was encountered in Fayetteville and in Wilmington had been due to the more active abolition turn of the Church in the North. In 1785 Dr. Coke arrived in America on a visit to the Church. He preached abolition and gave it an impetus among the Methodists which resulted in memorials and remonstrances to the Legislature. Before this the large slave-owners had encouraged preaching to their slaves.[2] They now became fearful that the slaves would be incited to violence, and generally in the South, Methodist ministers were forbidden access to the slaves. It took some time to live down this unfavorable impression and it was only when it was seen that the Southern preachers did not approve of the interference with the agitation against negro slavery that public sentiment came around. There was the most urgent need for such preaching. Of the negroes around Wilmington, Bishop Capers says: "A numerous population of this class in that town and vicinity were as destitute of any public instruction (or, probably, instruction of any kind as to spiritual things) as if they had not been believed to be men at all, and their

[1] Wightman: "Life of Bishop Capers," pp. 124–129.
[2] Drew: "Life of Dr. Coke," pp. 132–139.

morals were as depraved as, with such a destitution of the gospel among them, might have been expected." To this state of things the masters were indifferent; for, adds the Bishop, "it seems not to have been considered that such a state of things might furnish motives sufficient to induce pure-minded men to engage, at great inconvenience or even personal hazard, in the work of reforming them. Such work, on the other hand, seems to have been regarded as unnecessary, if not unreasonable. Conscience was not believed to be concerned in it."[1] And yet when conveyed the negroes made good Christians. Says the same authority: "I believe I have never served a more Christian-hearted people." The preacher had a great influence over them. Church trials were rare among them and the numbers increased constantly. They were faithful in giving to the church. The pastor's salary at Wilmington was derived almost wholly from their scant resources; for the few white members were very poor. They were attached to their preacher, as many a pound cake or warm pair of knit socks or gloves from their hands testified.

Sometimes a congregation outgrew in dignity the humbler persons who had at first constituted its chief elements. Such was the case at Raleigh. Here there were at first a large number of colored members, and when the church building was erected they contributed their part. They were given seats in the gallery. At length there was an opportunity to buy a church which might be turned over solely to the negroes. Both whites and blacks worked with their might to get the necessary money. When it was at length secured, there was a two-fold rejoicing; by the negroes because they had a building of their own, by the whites because the negroes were out of the white man's church. This negro church now became a mission and a white preacher was assigned to it by the Conference. Usually an old preacher of kind disposition and good judgment was sent to them. They were still under the oversight of the white

[1] Wightman: "Life of Bishop Capers," p. 163.

congregation from which they drew for Sunday school teachers and other church workers.

The Baptists were early in North Carolina, but until the establishment of the Missionary Baptist Church in 1830 they were hardly as zealous for converting the unsaved as later. I have not found evidence that they began by working up congregations among the slaves as did the Methodists in some places, but from the first they took great care to bring under religious influence the slaves of their own members and through these the negroes generally came to be reached at length. The records of Sandy Run Church, in Bertie County, as early as 1773, show that there were negro preachers for the negro members, and that these were instructed not to hold services at the time of the regular meeting of the whole church, at which it was designed that the slaves might also be present. Both colored preachers and colored members were under the control of the white congregation. They had no voice in general church affairs, but would be heard in church meeting in cases which related to their own race. There were in some eastern sections colored deacons who were given charge of the colored members and who made report from time to time to the church meeting.[1]

It has been found impossible to get an estimate of the number of negroes in the Baptist Church in North Carolina. Here the congregational idea was strong, the reports to the associations were not very full and do not always show the number of members. In 1830 the Baptist State Convention was formed, and from that time the minutes are published for the Missionary Baptist Church in North Carolina, but in the few years for which the number of members are reported, there is no distinction made between blacks and whites. It is only in the Chowan Association that I have had a glimpse of numbers. Here there were in 1843, 4575 white to 1228 black members; in 1844, 3241 whites to

[1] For many of the facts here presented I am indebted to Dr. J. D. Huffham, of Henderson, N. C.

1160 blacks; in 1848, 4619 whites to 1541 blacks; in 1850, 4668 whites to 1476 blacks; in 1855, 6960 whites to 2545 blacks, and in 1860, 7539 whites to 3043 blacks. This proportion was strong, but it must be remembered that the Chowan Association lay in the East, and that it was in a region which was strong in Baptist faith. It was not representative of the denomination on this question.

The care of the Church over the life of the slave was commendably faithful, especially over the relation of master and slave. As early as 1778 it was decided that a marriage between slaves ought to be respected, even though it was against the law of the land, and that any member who broke the marriage vows of servants ought to be denied fellowship.[1] In 1783 it was declared by a meeting in the Sandy Creek Association that a master should give his servants liberty to attend family prayers in his house, that he should exhort them to attend, but not use force.[2] How this duty was fulfilled may be seen from the memoir of Capt. John Freeman, a prominent Baptist of Chowan County, who died in 1794. It is said of him that although he had many slaves "his lenity towards them was very remarkable. If any of them transgressed, his general method to chastise them was to expose their faults before the rest of the servants and the whole family when they were at family worship in the morning, who, when assembled at morning prayer, would talk to them, exhort and rebuke them so sharply for their faults that he made others fear. * * * He was so very affected for the spiritual welfare of his family that often he seemed almost convulsed, and this extraordinary zeal was not the impulse of a moment, but his constant practice for seventeen years."[3]

The above statements apply to the Baptist body before the separation of the Missionary Baptists from it. For a view of the attitude of the latter toward slavery, the best

[1] Biggs: "History of Kehuckee Association," p. 47.
[2] Purefoy: "History of Sandy Creek Association," p. 60.
[3] Biggs: "History of the Kehuckee Association," pp. 95–96.

source at hand is Purefoy's "History of the Sandy Creek Association." Here it is seen that the question of a valid marriage between blacks was still unsettled. The Association was asked in 1805 to settle it.[1] After three years' postponement it was answered that such a marriage should be valid, "when they come together in their former and general custom, having no [other] companion." Rev. Purefoy, commenting on this, says[2] owners should endeavor to keep married slaves from being separated, even if they put themselves to some inconvenience in buying, selling, or exchanging them.

To the buying and selling of slaves for profit Baptists in both East and West were opposed. In 1818 the Chowan Association was asked if a Christian could consistently buy slaves in order to sell them to speculators. The answer was clear: "We believe that such practice is at war with the spirit of the gospel and shocking to all the tender feelings of our nature. We answer No."[3] In 1835 Sandy Creek Association spoke still more emphatically. It said: "WHEREAS, We believe it inconsistent with the spirit of the gospel of Christ for a Christian to buy or sell negroes for the purpose of speculation or merchandise for gain. *Resolved, therefore,* that this association advise the churches of which it is composed to exclude members who will not abandon the practice after the first and second admonition."[4] When in 1847 the Association was asked if it was agreeable to the gospel for Baptists to buy and sell human beings or to keep them in bondage for life, the only answer vouchsafed was to refer the interrogators to the minutes of 1835. The slavery dispute was then well-nigh in its stage of highest passion, and it is not unlikely that the Church authorities did not like to take a more definite position on either the first or second part of the query.

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[1] Purefoy: "History of Sandy Creek Association," p. 76.
[2] *Ibid.*, pp. 93–94.
[3] "Minutes of the Chowan Baptist Association," 1818, p. 7.
[4] Purefoy: "Sandy Creek Association," pp. 163–164.

The Baptists, like the Methodists, early in the century had negro preachers, most notable of whom was Ralph Freeman. Ralph was a slave in Anson County in the neighborhood of Rock River Church. Soon after his conversion he felt an impulse to preach, and early in this century he was licensed by his church for that purpose. Soon afterwards he was ordained to the regular ministry. He did not have specific charges, but traveled and preached through his own and the adjoining counties. Says Rev. Purefoy: "He became a good reader and was well versed in the Scripture. He was considered an able preacher and was frequently called upon to preach on funeral occasions, and was appointed to preach on Sabbath at Association, and frequently administered the ordinance of baptism and the Lord's Supper. He was of common size, was perfectly black, with a smiling countenance, especially in the pulpit while speaking. He was very humble in his appearance at all times, and especially when conducting religious services. Great personal respect was also shown him by the brethren whom he visited in his preaching excursions." Rev. Joseph Magee, a white Baptist minister, became much attached to Ralph. They used to travel and preach together and after the fashion of the times it was agreed between them that the survivor should preach the funeral sermon of the one who died first. This task fell to Ralph. Although his friend had moved to the West, the colored preacher was sent for all the way from North Carolina to come and fulfil the promise made years earlier. Ralph complied with great success and before a large audience. When the Baptists divided on the question of missions, Ralph sided with the anti-mission party, and so fell into disfavor with the others. This he regretted, but a greater blow, which also fell about the same time, was the statute which forbade negroes to preach. He was greatly mortified, but submitted, and with that passes from our notice.

In proportion to their strength the Quakers did more for the negroes than any other religious body in North Caro-

lina. They did not have very many colored members, but before the Revolution they set themselves to free those they did have; and they did not stop until the process was accomplished. The Yearly Meeting of the very first year of the war, 1776, appointed a committee to go about and aid Friends to free their slaves. This committee was expected to act in co-operation with the various monthly meetings. Thus a considerable number were liberated in the following year. The committee reported that they found among the Friends a great willingness to forward the work. But they had acted contrary to the law of emancipation which required that slaves should be freed for meritorious conduct only. Forty of those thus emancipated were taken up and sold into slavery again. The Quakers complained that this was done under a law passed in 1777, after the slaves were liberated. At considerable expense they fought the matter through County and Superior Courts and won the verdict; but the Assembly was then appealed to and in 1779 it passed a law confirming the sales of these negroes and directing that all other negroes similarly freed should be sold into slavery in the same manner as if they had been freed after the passage of the law of 1777. The reason for this extraordinary procedure was no doubt the law of 1741, which was held to be still in force. The Friends, however, were not satisfied. They appealed to the Assembly. They based their theory on the principle "that no law, moral or divine, has given us a right to, or property in, any of our fellow creatures any longer than they are in a state of minority." They appealed to the statement of the rights of man in the Declaration of Independence, and showed that the sale of the negroes in question was in opposition to the spirit of the North Carolina Bill of Rights, which forbade the passage of *ex post facto* laws. This petition was signed by the eleven men who had owned the slaves in question and was sent to the Assembly, but on the advice of persons friendly

to the Quakers it was not presented.[1] This did not deter the Friends from further petitions. One was sent in 1787, another in 1788, and another in 1789. The petitions were about various matters, but none of them amounted to anything. In 1792 they petitioned again, asking the repeal of the law restricting emancipation, and demanding that it "never again disgrace the annals of a Christian people." The petition failed, but they did not cease to send others in the years following. In 1817 they asked the Legislature to take joint action with Congress for the colonization of the free negroes. The petition failed, and the next year they voted $1000 to the American Colonization Society. For some time there seems to have been no further connection with this society.

The instruction of the slaves in religious and educational matters aroused the energies of the Quakers. They became awakened in this matter in 1780, when it seems that but little had been done. In 1787 it was asserted that one of the two leading objects of their activities toward the negro was to care for, protect, and instruct the freed negroes. The immediate result of this interest does not appear; but in 1815 Friends were exhorted by the Yearly Meeting to prepare schools for the literary and religious instruction of the negroes,[2] and in 1816 a school for negroes was opened for two days in each week. Some progress was made, as may be seen by the reports. Most of the negroes in the Western Quarter who were minors had been put in a way to get "a portion of school learning." The Quarter recommended that males be taught to "read, write and cipher as far as the Rule of Three," and that females be taught to read and write merely.[3] In 1821, Levi Coffin and his cousin, Vestal, opened

[1] A chief source of facts relating to the Quakers and Slavery has been "A Narrative of Some of the Proceedings of the North Carolina Yearly Meeting on the subject of Slavery within its Limits." (See "Slavery and Servitude," p. 50, note 1.)

[2] Quaker pamphlet cited above, p. 24.

[3] *Ibid.*, p. 24. See also Weeks: "Southern Quakers and Slavery," p. 231.

a Sunday school for the blacks at New Garden and began to teach some slaves to spell; but when they could spell words of two or three letters they were withdrawn by their masters. The former attempt must have been as unsatisfactory as that of the Coffins, since the standing committee of the Quakers reported in 1821 that they could find no way to educate colored children except in the families of Friends. Either in this way or otherwise some progress was undoubtedly made, as appears from the reports sent in to the Yearly Meeting. When the Assembly passed the law forbidding slaves to be taught to read and write the Quakers petitioned for its repeal, and they also asked for the repeal of the law forbidding colored persons to preach. They said: "We consider these laws unrighteous and contrary to the spirit of Christianity, offensive to God; and your memorialists believe, if not repealed, they will increase the difficulties and dangers they are intended to prevent."[1] Furthermore, they asked for the enactment of a law to instruct slaves in religion and in reading, so that they could read the Bible.

To accomplish the liberation of slaves in the face of the laws they had recourse to corporate ownership. In 1808 a committee was appointed on the state of the people of color, and its recommendation, which was adopted, was that certain trustees should be appointed to whom should be conveyed the slaves whom it was desired to emancipate. These slaves were to be held in nominal bondage, but the trustees were to retain only so much power over them as should be for the good of the slaves' conduct. Thus an idle negro might be coerced moderately. The Friends took this step on the advice of Judge William Gaston, who was always a friend of freedom and of the slave. At first some Friends opposed the project, but they gradually changed their views and the custom continued in force until the Civil War. As soon as this plan was in operation, slaves began to disappear from among the Quakers. Many of them

[1] See Quaker pamphlet cited, p. 34.

were sent out of the State—either to free territory in the United States or to Africa or to the West Indies. A few could be freed by the consent of the County Courts. A considerable number, especially those who were connected by family bonds with the slaves of persons not Quakers, as well as old persons who were not fit to begin a new life in a new place, were retained in the hands of the trustees. The general result of this relation, however, was to move the negroes out of the State; and this was no doubt due partly to the legal aspects of the case as seen in the decision in the Contentnea Society *vs.* Dickinson, to which reference has already been made.[1] This decision might well convince the Quakers that they could not hope to make society ownership a permanent feature and they used more and more the practice of sending the slaves away. Another inducement to send the slaves away, and an earlier one, was the liability of having them become a charge on the society. It is with evident feelings of relief that the agents of the Eastern Quarter in 1820 reported that the four hundred slaves who were owned by the Yearly Meeting had been managed so as to avoid expense, except for sending some away. In 1822 the number in hand was four hundred and fifty and the Yearly Meeting ordered that the trustees should receive no slaves except from Quakers. It was for this reason that a committee was appointed to examine the laws of the free States to see if negroes might be sent thither. In 1823 this committee made its report in favor of Ohio, Indiana and Illinois, and steps were taken to remove the slaves as rapidly as possible, and $200 was voted to defray the expenses. They were sent to Pennsylvania, to the Northwest, to Hayti, and, perhaps, to Liberia. Six hundred and fifty-two had gone by 1830 and four hundred and two were still under care. The expense of moving so many had reached $12,769.50, not all of which had been borne by the North Carolina Friends, for in 1829 the Rhode

[1] See Quaker pamphlet cited, p. 32. Although this decision was not given till 1827, the case was begun earlier than 1822.

Island Yearly Meeting had contributed to the work $1351.50. Sometimes the negroes themselves paid part of the expense of removal by being hired out for wages, the surplus earnings being saved for this purpose. But the Friends were not ungenerous in this matter. On one occasion four women had promised to go and leave their husbands in slavery. At the last moment they refused to go, and the Friends bought the husbands at an expense of $1400 and sent them along with the faithful wives. The owners of the husbands were here equally benevolent, for they sold them at half their value. The last important removal was in 1836, when fifty-seven persons were sent to the Northwest and two hundred were left in the possession of the society. Many of these were old people and children. Death rapidly thinned the one class, and the members of the other were sent away as they became grown. In 1848 the number was about twelve, and it was said by the Committee on Sufferings: "It is believed that there is no instance of any [slaves] being held among us so as to deprive them of the benefit of their labor."[1] In 1856 there were eighteen still under care.

The work of the Quakers was not easy. "Such," says the narrative of the Committee on Sufferings, from which I have already taken so much, "it would appear was the prejudice against freeing the slaves, the danger of their being carried off and sold in distant parts, the ignominy of their situation; that there was no way but to remove them to the free governments as fast as their circumstances would permit." Many Quakers and other persons moved from North Carolina to the Northwest, and the Friends often sent slaves whom they desired to free along with these emigrants. Sometimes a large number would be sent, and trusted Quakers would go along with them with authority to effect emancipation. Sometimes a ship would be chartered, as when the negroes wanted to go to the West Indies.

[1] Quaker pamphlet cited, p. 40.

To the Quakers must be given, also, much of the credit for the organization of the North Carolina Manumission Society. This society existed in the region around Greensboro, where the non-slaveholding element was strong. It had members who were not Quakers, but it had many, perhaps a majority, who were of that faith. This society had many branches and its inception was doubtless due to the efforts of Charles Osborn, a Quaker minister, who organized various branches in Guilford County in 1816. In the same year these branches were organized into a general society, and in the following year this society agreed to act in connection with the American Colonization Society. To this move there was, however, much opposition, mostly from the Quaker members. These were largely abolitionists and they looked upon colonization as an aid to slavery. The minority seceded and continued to meet at New Garden till most of them had moved to the West. The society, however, continued to grow. In 1821, Benjamin Lundy appeared in North Carolina and made anti-slavery speeches in Guilford and Randolph Counties. He came from Tennessee, where Elihu Embree had already inaugurated a promising anti-slavery movement.[1] In 1824 the term "Colonization" was dropped from the name of the society. In 1825 there were thirty-three local societies[2] with a total of more than 1000 members. In 1827 there were forty branches; but this was the flood-tide of the movement. Public sentiment was turning against the cause of the abolitionists, as has been already seen. In 1834 the society had its last meeting. Of those who had been leaders many had emigrated. Many of the rank and file had either gone away or been frightened by the greater vehemence of the pro-slavery advocates. Whatever of vitality it had left seems to have been thrown into support of the Under-

[1] Hoss: "Sketch of Elihu Embree." Publication of Vanderbilt Southern History Association, No. 2, 1897.

[2] Weeks says thirty-six, but names only thirty-three. "Southern Quakers," p. 240.

ground Railway. It became in its later days emphatically abolitionist. It advised its members to subscribe for Lundy's paper, and in 1830 it passed resolutions in support of William Lloyd Garrison.[1]

The Presbyterian Church of North Carolina had never so large a proportion of negro members as the Methodist or Baptist Churches, but it opened its doors as freely to the slaves. These were given special seats and admitted to the sacrament of the communion after the whites. That many of them became faithful and obedient Christians there can be no doubt. Rev. J. D. Mitchell, a Presbyterian pastor of Lynchburg, Va., said in 1858, after twenty-seven years in the pastorate: "Our colored members have exhibited a uniform consistency of moral and religious character. In my long pastorate I remember only three cases of discipline among the servants. * * * Instances of high-toned piety are frequent among them."[2] The *Southern Presbyterian* bore evidence that the Bible was often read in the churches where there were negroes, especially the parts dealing with the duties of master and slaves. The reading of the Bible, it thought, was not necessary to getting to heaven, and if slaves were taught to read they would read incendiary literature more than the Bible. "There are more pious persons among the blacks," it added, "than among any similar class of people in the world."[3] It is likely that the attitude of this Church in North Carolina did not differ materially from the spirit of these utterances.

At first the Church was not hostile to emancipation in the abstract, but it was not inclined to wholesale abolition in actual practice. In 1787 the Synod of New York and Philadelphia declared that it highly approved of universal liberty and of "the interest which many States had taken in promoting the abolition of slavery;" but since indolent and

[1] See "North Carolina Manumission Society," by C. C. Weaver, Trinity College (N. C.) Historical Papers, series 1, p. 71.

[2] Quoted in De Bow's *Review*, vol. 24, pp. 277 and 279.

[3] *Ibid.*, vol. 18, p. 52.

ignorant persons would be a disadvantage in a community, it urged that slaves be educated, that they be encouraged to buy themselves, and that members use all efforts to secure abolition of slavery.[1] In 1795 the question of fellowship with slaveholders was up, but elicited nothing but an injunction to brotherly love and charity. The same body in 1815 urged members to give religious education to the slaves, so that they might be fit for freedom when God might "open the door for their emancipation." At the same time it declared that trading in slaves and cruelty toward them were contrary to the spirit of Christ. The split between the Northern and Southern wings of the Church was already in sight, although it did not proceed so rapidly as among the Methodists. In 1818 the General Assembly endorsed abolition in the abstract and expressed sympathy for the South where most of the virtuous people were thought to be for emancipation. It urged such people to continue their efforts and exhorted others not to make "uncharitable reflection on their brethren, who unhappily live among slaves whom they cannot immediately set free." It also spoke decidedly against the separation of slave families by sale. Any church member who would do this ought to be suspended from fellowship, "unless there be such peculiar circumstances attending the case as can but seldom happen."[2] For some time after this the question was not brought up; but in 1835 it would be ignored no longer. A committee was appointed on the matter, and the next year it reported that slavery was a civil question and ought not to be considered by the Assembly. After some debate the matter was indefinitely postponed. But it was up again in 1845, when it was resolved that "since Christ and his inspired Apostles did not make the holding of slaves a bar to communion, we, as a Court of Christ, have no authority to do so; since they did not attempt to remove

[1] See "Presbyterianism and Slavery," an official document published for the use of the General Assembly in 1836.

[2] *Ibid.*, pp. 6–8.

it from the Church by legislation, we have no authority to legislate on that subject." The progress of the slaves could not be obtained by ecclesiastical legislation or by "indiscriminate denunciations against slaveholders, without regard to their character or circumstances." The resolution passed by 168 to 13 votes.[1] By such action this conservative Church put off its division till the war was actually at hand. This relation of the general Church to slavery must have influenced the attitude of the local Church. It no doubt kept up a conservative and abiding interest in the welfare of the slave on the part of the Church authorities.

What Henry Evans was in the Methodist Church and Ralph Freeman in the Baptist, John Chavis was in the Presbyterian Church. In native ability he was no doubt equal to either of the other two, but in education he was superior to them. He was, probably, born in Granville County, near Oxford, about 1763. He was a full-blooded negro of dark brown color. He was born free. In early life he attracted the attention of the whites, and he was sent to Princeton College to see if a negro would take a collegiate education. He was a private pupil under the famous Dr. Witherspoon, and his ready acquisition of knowledge soon convinced his friends that the experiment would issue favorably. After leaving Princeton he went to Virginia, sent thither, no doubt, to preach to the negroes. In 1801 he was at the Hanover (Virginia) Presbytery, "riding as a missionary under the direction of the General Assembly." In 1805, at the suggestion of Rev. Henry Patillo, of North Carolina, he returned to his native State. For some cause, I know not what, it was not till 1809 that he was received as a licentiate by the Orange Presbytery. Although he preached frequently to the regular congregations at Nutbush, Shiloh, Island Creek, and other churches in the neighborhood, I do not find that he was called to a church as pastor. Mr. George Wortham, a lawyer of Gran-

[1] See "American Slavery as Viewed and Acted on by the Presbyterian Church in America," by Rev. A. T. McGill, 1865.

ville County, said in 1883: "I have heard him read and explain the Scriptures to my father's family repeatedly. His English was remarkably pure, containing no 'negroisms;' his manner was impressive, his explanations clear and concise, and his views, as I then thought and still think, entirely orthodox. He was said to have been an acceptable preacher, his sermons abounding in strong common sense views and happy illustrations, without any efforts at oratory or sensational appeals to the passions of his hearers. He had certainly read God's Word much and meditated deeply on it. He had a small but select library of theological works, in which were to be found the works of Flavel, Buxton, Boston, and others. I have now two volumes of "Dwight's Theology," which were formerly in his possession. He was said by his old pupils to have been a good Latin and a fair Greek scholar. He was a man of intelligence on general subjects and conversed well." He continued to preach till in 1831 the Legislature forbade negroes to preach. It was a trial to him and he appealed to the Presbytery. That body could do nothing more than recommend him "to acquiesce in the decision of the Legislature referred to, until God in his providence shall open to him a path of duty in regard to the exercise of his ministry." Acquiesce he did. He died in 1838 and the Presbytery continued to his widow the pension which it had formerly allowed to him.

Mr. Chavis' most important work was educational. Shortly after his return to North Carolina he opened a classical school, teaching in Granville, Wake, and Chatham Counties. His school was for the patronage of the whites. Among his patrons were the best people of the neighborhood. Among his pupils were Willie P. Mangum, afterwards United States Senator, and Priestley H. Mangum, his brother, Archibald and John Henderson, sons of Chief Justice Henderson, Charles Manly, afterwards Governor of the State, Dr. James L. Wortham of Oxford, N. C., and many more excellent men who did not become so distinguished in their communities. Rev. James H. Horner, one of the

best teachers of high schools the State has produced, said of John Clavis: "My father not only went to school to him but boarded in his family * * * The school was the best at that time to be found in the State."

All accounts agree that John Chavis was a gentleman. Mr. Paul C. Cameron, a son of Judge Duncan Cameron, and a prominent man in Orange County, said: "In my boyhood life at my father's home I often saw John Chavis, a venerable old negro man, recognized as a freeman and as a preacher or clergyman of the Presbyterian Church. As such he was received by my father and treated with kindness and consideration, and respected as a man of education, good sense, and most estimable character. * * * He seemed familiar with the proprieties of social life, yet modest and unassuming, and sober in his language and opinions. He was polite—yes, courtly; but it was from his heart and not affected. I remember him as a man without guile. His conversation indicated that he lived free from all evil or suspicion, seeking the good opinion of the public by the simplicity of his life and the integrity of his conduct. If he had any vanity he most successfully concealed it. * * * I write of him as I remember him and as he was appreciated by my superiors, whose respect he enjoyed." The same gentleman adds that the slaves were amazed to see a negro receive so much respect from the whites. Others have confirmed Mr. Cameron's statement.[1] From a source of the greatest respectability I have learned that this negro was received as an equal socially and asked to table by the most respectable people of the neighborhood. Such was the position of the best specimen of the negro race in North Carolina in the days before race prejudices were aroused. It goes without saying that such a negro would not receive the same

[1]The facts here given were collected by Dr. Charles Phillips, of the University of North Carolina, and used by Dr. C. L. Smith for the short sketch of John Chavis, which he included in his "History of Education in North Carolina," Washington, D. C., 1888, pp. 138-140.

treatment to-day. That such is true is due to that strenuous state of feeling which preceded and followed forcible emancipation. So much the cause of humanity would have gained could slavery have been removed by reason!

In 1830 John Clavis, described as an educated colored Presbyterian preacher, was teaching a school for free colored children in Raleigh. Joseph Gales attended a public examination at this school in April, 1830, and said in his paper: "It was an example, both in behavior and scholarship which their white superiors might take pride in imitating." He complimented a speech in which Chavis told his pupils that they possessed but an humble station in life; but that even they could make themselves useful.[1]

The Protestant Episcopal Church was not indifferent to the spiritual welfare of the slaves, although it had not so many slave members as some other churches. The proportion is indicated for 1857, as follows: Communicants, white 2341, colored 345; and catechumens (Sunday School pupils), white 1105 and colored 488. In 1858 it was: Communicants, white 2364 and colored 353; and catechumens, white 943 and colored 351. I have been unable to find full statistics for the whole time, but the above figures show the proportions for the years when this church probably had its largest number of members.

Here the members must have been mostly house servants, since the Episcopalians were largely slaveholders, and the 2364 communicants must have owned many thousands of slaves. Usually the colored people occupied the seats reserved for the slaves, as in other churches. Sometimes there were special missions for the slaves. Capt. T. W. Battle, of Edgcombe County, had one, but discontinued it after a year because the slaves took no interest in it. Mr. Josiah Collins and Rev. W. S. Pettigrew had similar enterprises in Washington County, and there seems to have been one in connection with the church at Tarborough.[2]

[1] Raleigh *Register*, April 19, 1830.

[2] For facts here mentioned I am indebted to Dr. K. P. Battle of the University of North Carolina.

CHAPTER IV.

INDUSTRIAL AND SOCIAL RELATIONS OF SLAVERY.

Population.—At the outbreak of the Revolution there were by the most probable estimate 36,000 colored people in North Carolina.[1] From then till 1790 no facts for an estimate have come under my observation. From the latter date till 1860 the numbers of whites, free negroes and slaves, as included in the census tables, were as follows:

Year.	Whites.	Increase. Per Cent.	Free Colored.	Increase. Per Cent.	Slaves.	Increase. Per Cent.	Total.
1790	288,204	. .	4,975	. .	100,572	. .	393,751
1800	337,764	17.19	7,043	41.56	133,296	32.53	478,103
1810	376,410	11.44	10,266	45.76	168,824	26.65	555,500
1820	419,200	11.36	14,612	42.33	205,017	21.43	638,829
1830	472,823	12.79	19,534	33.74	245,601	19.79	737,987
1840	484,870	2.54	22,732	16.31	245,817	.08	753,419
1850	553,028	14.05	27,463	20.81	288,548	17.38	869,039
1860	629,942	14.42	30,463	10.92	331,059	14.73	992,622

From this table it is seen that the increase of the whites was slow, being normal at about 13½ per cent., a rate decidedly slower than that maintaining since the war. This slow increase is no doubt due largely to emigration which took off many of the non-slaveholding farmers to the Northwest and many of the slaveholders to the far South. The latter movement was strongest from 1800 to 1840; the former from 1830 to 1860. Where the two overlapped, from 1830 to 1840, the population was well-nigh stationary.

[1] See "Slavery and Servitude in North Carolina," p. 22.

The number of free negroes depended on the number of emancipations plus the natural increase in the free negro families. Emancipation was considerably practiced till 1820. After that the laws grew harder on free negroes. Many of them left the State, and thus the increase was reduced. During the last decade of slavery this increase was smaller than ever before, and had slavery endured till 1870 it would, no doubt, have been well-nigh nothing.

Of the slave population the greatest increase was from 1790 to 1800, when the slave trade was still allowed, but after this source of increase had been destroyed there is a decided falling off. The remarkable drop from 1830 to 1840 has sometimes been attributed to an erroneous census. If the claim be true then it is still true that the increase was very small, since from 1830 to 1850 it was only 17.48 per cent. In the days when many whites moved to Georgia and Alabama, and other cotton States, there must have been a considerable drain on the numbers of the slave population. But later on when the great demand for slaves in these States had raised the price paid for them a great many more were sent. This probably accounts for the slow increase in the census tables after 1830.

There were 34,658 slaveholders in North Carolina in 1860, and these owned in all 331,059 slaves, or an average of 9.6 to each owner. In Virginia there were 9.4 slaves to each owner, and in South Carolina there were 15. For North Carolina there had been from 1850 till 1860 a lessening of the number of slaves to an owner, since it was in 1850 10.1 slaves to each owner.

Distribution.—In the colonial period the eastern counties had most of the slaves; but throughout the period of statehood the West acquired continually more of them. It never had as many as the East, but along the upland rivers, and wherever in the West there was fertile land, there the large slave-tended farm was found. This was true of the upper Roanoke section of the Yadkin, and of other river sections. In 1790 there were in the western counties 30,068 slaves

and in the East 70,504. In 1860 the same western counties had 146,463 slaves and the eastern 184,596. In the West the ratio of increase in seventy years was 387 per cent., while in the East it was 161 per cent. In 1790 there were in the same western counties 136,655 whites, and in 1860 the number was 385,724. In 1790 the same eastern counties had 151,549 whites, and in 1860 they had 244,218. Thus it will be seen that for these seven decades the ratio for the increase of the whites in the West was 182 per cent., and for those in the East it was 61 per cent.[1] Plainly enough the West was gaining rapidly on the East in regard to slave population. This was partly due to the extension of the area of cotton cultivation. Counties like Mecklenberg, Anson and Union were properly under the influence of the western ideas and life in 1790; but in 1860 they were great cotton counties and largely slaveholding. Moreover, in other western counties, which by 1800 were past the pioneer stage, there grew up continually numerous wealthy families. They owned slaves. The slaves competed with the small white farmers. Thus there began slowly that process by which slavery always eats out all the life of a free yeomanry. The small farmers sold their farms and moved to the Northwest, the slaveholders bought the farms and consolidated landholding. Had slavery continued till the present time some wonderful changes would have taken place in this part of the State. There is every reason to believe that besides the tobacco industry, which might profitably have been conducted here, this would have become, along with parts of Virginia, a notable breeding ground for slaves to be sent southward.

The progress of the slave population in the State could not have been due in any considerable extent to importa-

[1] Of course the selection of a dividing line between the East and the West is a matter more or less arbitrary, but the change of a dozen counties along this line, where white and black populations remained relatively constant, would make no appreciable difference in the proportions given in the text.

tion. Before the final prohibition of the foreign slave trade by Congress in 1808, there was a strong feeling against it in North Carolina. In 1774 the Provincial Congress of the colony resolved that they would not import or purchase any slaves brought into the colony after November, 1774.[1] This was part of the body of resolutions by the first Provincial Congress, and was due as much to the desire to retaliate on Great Britain as to opposition to the slave trade. How well this resolution was executed I am not able to say; but it was, no doubt, often violated; for, in 1786 (chap. 5), the Assembly passed a law the preamble of which ran: "WHEREAS, The importation of slaves into this State is productive of evil consequences and highly impolitic." In accordance with this patriotic sentiment 40 shillings was to be levied on each imported slave under seven years old and over forty, and £5 on those from seven to twelve and from thirty to forty years, and £10 on those from twelve to thirty years. This duty was to be levied whether the slaves were imported by land or by sea. This was aimed avowedly at the slave trade, and exception was made in favor of incoming settlers who brought slaves, and persons who received foreign slaves by gift, marriage or inheritance. Besides, a tax of £5 was to be collected on all slaves imported directly from Africa. A further section prohibited the introduction into the State of slaves from the States which had then recently liberated their slaves, and directed that those already so imported should be sent to the places whence they came. The motives for making this law I can know only inferentially. There seems to have been behind it an honest desire to restrict the number of slaves in North Carolina, and a purpose to protect domestic slavery from the disquieting influence of the more unmanageable slaves from Africa and the West Indies.

The public opinion, however, soon changed, and the act

[1] "Colonial Records of North Carolina," IX, p. 1046. Also "American Archives," 4th series, I, p. 735.

was repealed in 1790. But almost immediately there occurred an incident which secured the enactment of still severer laws against the slave trade. I refer to the Haytien outbreak, which occurred in 1791. These outrages, bad as they were, were exaggerated in American minds and filled Southern hearts with terror.[1] In 1794 (chap. 2) a strict law was passed forbidding the importation of slaves or indented colored persons under a penalty of £100 fine. This law did not forbid a person who came into the State to settle to bring his slaves with him. A year later (Laws of 1795, chap. 16) it was provided that this privilege should not apply to persons coming from the West Indies, the Bahamas and the "southern coast of America," if the imported negroes were over fifteen years old.

The foreign slave trade was prohibited by Congress from 1808, and in the same year the North Carolina Assembly repealed its law of 1794.[2] The National Statute left the disposition of the illegally imported slaves to the States in which they should be taken up. The North Carolina Assembly took up the matter in 1816 (chap. 12), and enacted that such slaves should be sold by the sheriff for the use of the State, one-fifth to go to the informer. This law remained in force till the war.[3] This National Statute could not have been enforced very well, if at all, before 1816, for the law of that year provided that slaves imported into the State from abroad before 1816 and the descendants of the same should not be sold according to this law, but that the owners thereof should have legal titles made out and certified by the sheriffs. In view of this law and of the general loose administration of the National Statute in the South, it is safe to say that it was not always enforced in North Carolina after 1816.

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[1] See Du Bois: "Suppression of the Slave Trade," pp. 72 and 73.

[2] Laws of 1808, chap. 16.

[3] Revised Statutes, chap. 111, secs. 1–6, and Revised Code, chap. 107, secs. 1–6.

As to the prices of slaves it has been impossible to procure any trustworthy evidence. It is enough to call attention to the fact that the opening of the cotton industry with the greater demand for slaves in the Gulf States continued to advance the prices. Slavery became more profitable, and North Carolina found it fixed in her life more than was formerly expected. It has already been pointed out how slavery extended itself at this period into the western counties with the probable reason that this region raised slaves for the Southern markets. It was the ever acting law of economic rent applied to slaveholding. As the price of the product increased, territory that was formerly below the point of diminishing returns was now taken within the area of cultivation.

The Regulation of the Slave's Life.—Next to the loss of liberty the worst evil connected with slavery was the fact that it left the welfare of the slave to the accidental temper of the master. If the latter were humane and intelligent the slave fared well. If he were otherwise the slave fared poorly. A correspondent has called to my attention the fact that a master's treatment of his slaves corresponded relatively to his treatment of his children: good father, good master; careless or cruel father, careless or cruel master. There were all kinds of masters as there are all kinds of fathers. Some undoubtedly were cruel; some undoubtedly were wisely humane; many were neither the one nor the other, but gave their slaves such care as custom demanded, just as many men clothe and train their children without really having any opinions of their own about the matter.

Of the slave-owners there were the holders of large slave herds and the holders of few slaves. Of the former there was the cultured class of planters and the more ordinary class of wealthy farmers about which I have already spoken. The gentleman planter type was not so numerous in North Carolina as elsewhere in the South. Such masters were often absentee landlords, though this was not general in

the State. Here their relation to the slaves was patriarchal. As a class they were careful of the slaves' health and morals, and philanthropic students of the theories of good mastership. The wealthy farmers rarely lived away from their estates. They were usually religious. They were thrifty and honest. Their sons worked in the fields along with the slaves, sometimes leading the plow gang, and sometimes swinging a cradle in the harvest. Their wives superintended the making of the slave clothing, the cooking of the slave dinners, and the nursing of the slave patients. Here the slave fared best, and this class was strong in North Carolina. It extended all over the State, and was extensively found in the West. The lot of the slave who belonged to the owner of few slaves might be bad—and was usually not good. He was frequently overworked or underfed. The straitened condition of his master, often not an enlightened man, was responsible for this.

Next to the master the overseer was the most important personage. If the master were absent his powers were great. He was usually a white man, but rarely a slave. Often a man owned several plantations, on each of which he would place an overseer, and over all of which he would keep continual oversight. Overseers were of two classes. Those on large plantations must be men of intelligence and men who could take care of slaves as property. They commanded good salaries, often getting $100 a month. On the smaller plantations inferior men were employed, and the slaves there were not so well cared for. Here an overseer was well paid at from $200 to $400 a year. What an overseer should do properly to fulfill his office may be seen in the statement of a master in *De Bow's Magazine* in 1856.[1] In managing negroes, says the writer, the first aim of the overseer should be to obey the instructions of the master in respect to them; the second to satisfy them that he is doing so. He should always allow the slave easy appeal to

[1] Vol. 21, p. 277.

the master, and not to do so must be due to bad temper, false dignity, or the notion that the slave has no rights. If a slave makes a false complaint he should be punished for it, and the privilege of complaining should not extend to matters affecting the overseer's character, for a negro may not testify against a white man. Some overseers declared that no negroes should complain of them, and that if they did, they (the overseers) would whip them in spite of the masters. "This," exclaimed the writer, "is simply brutal and no man of spirit will permit it." Still it is bad policy not to punish a slave without the consent of the master. An overseer should be kind to the slaves, speaking in a low tone, but firmly. Negroes should not be fretted at, for it injured their capacity for work, and when practiced on the young had been known to lessen their value. Fretting also injured the overseer. "The habit of swearing at or before negroes an overseer should never indulge in. If the negro is not allowed to swear because it is disrespectful to the overseer, the latter should not swear because it is disrespectful to his Maker. Besides, it shocks some pious negroes and sets a bad example to them all." The overseer should visit the cabins and promote cleanliness there, see that clothes and shoes are repaired, and on Sunday he should require all the slaves to appear in clean clothes. He should rather encourage their taste for finery than ridicule it. He should consult with the old men about the work—some of them were very intelligent. He should be disposed to share their labor. "Nothing more reconciles a negro to his work than the overseer sharing it with him. Let him go with them in heat, rain and cold. If they shuck corn at night let him be with them." Another writer in the same magazine[1] declared that no one should try to manage slaves who had not firmness, fearlessness and self-control. Punishment should not be cruel. "If ever any of my negroes are cruelly and inhumanely treated, bruised, maimed, or otherwise

[1] Vol. 21, pp. 617-620.

injured," the overseer was dismissed. Each place was to keep enough milch cows to furnish milk for the slaves. The overseer must care for the sick, especially for the pregnant women. Nurses should be provided for the sick, and mothers of young children should not be assigned full tasks. These regulations were prepared by two successful farmers who did not live in North Carolina yet they are standards for slavery as a whole, and bring to us vividly the office of the overseer. Possibly they were never enforced entirely. Certainly they could not have been always enforced, but there is no doubt that the spirit of them was present on many plantations. It was this spirit and its practical realization in many ways which gave some foundation to the claim that the master provided better for the physical wants of the slaves than the freed negro provides for himself in the days since the war. The claim is to-day debatable, but it is necessary to remember that physical wants are not the chief thing in life.

I have been able to get the following account of slave life on a rice plantation near Wilmington, N. C. My informant is a son of the gentleman who owned the place for some years before the war, and in his young manhood he was overseer on the farm. He is now a prosperous physician, and I have every reason to believe that his information is trustworthy. He says: "There were about one hundred slaves on the plantation. They were called at dawn and went to the fields under the care of drivers at sunrise. Two meals were served each day, one at 9 a. m. and one at 1 or 2 p. m. The daily allowance of food was one quart of meal, which was given from March 1 till October 1, one-half a pound of meat, and one pint of molasses a week for each adult. Sweet potatoes were given from October to March instead of meal, and peas were allowed in planting time. There was a regular allowance of tobacco. The meals were prepared by the cooks and sent to the field ready cooked. Milk was furnished at the cook's place. The tasks were light, and most of them were finished by 2 p. m.

After they were done the slaves might do what they liked. They usually slept or went fishing. Among themselves the slaves were immoral, but, generally speaking, there were no illicit relations between them and the white men. The white boys were sometimes intimate with the housemaids. The slaves went to Sunday School, and the owners of this and the adjoining farms paid a Methodist preacher to preach to them once a month." But my informant saw but small results in the field hands. The negroes were contented and happy among themselves, if let alone by outside influences. The owner always counted on their stealing and took no notice of small offenses. They were not allowed to go off the plantation, except by special permission. They were not allowed to buy whiskey, but occasionally the master would give it to them, and it was a race trait that all of them, men, women and children, liked it. Under the care of his owner the slave's health was good, much better than it is now. Slave mothers frequently neglected their children, while for the children of the whites they manifested great affection. This last point is often corroborated. Said another gentleman: "I have often seen the slave women come from the fields to the house of the old woman who took care of the small children during the day, take their babies in their arms, nurse them, and put them down without the least show of affection."

"Negro slavery," continued the gentleman whose statements I was just quoting, "was profitable in producing rice, cotton and turpentine. One good hand could thus make in rice from $300 to $400 a year above his expenses, and in turpentine he could make as much as $1000 a year. On the farm in question $10,000 a year was cleared in bank from the rice crop. When masters made no profit it was because the negroes were not properly cared for. Few of the old slaveholders had runaway negroes. These negroes usually afflicted people who had recently begun to have slaves, particularly Northern men who had married and settled in the South. These people did not understand the negro, and

expected too much from him. A man who was cruel to his negroes was not highly respected in the community by the best people. An evidence of the solicitude of the good masters for their slaves was the difficulty which the authorities experienced in getting slaves hired to them to construct fortifications at the outbreak of the war. Masters would not trust their slaves in the hands of the officers. Among the prominent characteristics of the negro," concludes my informant, "were no gratitude, no resentment and a deep love of home."

By the side of this statement I am fortunately able to place the account of slave life on the plantation of a well-to-do farmer of the central part of the State. The farmer was a well-known Baptist preacher, and the account is from his son, who is now a respected minister in the same church. The locality was in the area of cotton production, and on the farm were from forty to fifty slaves. The narrator says:

> I never saw or knew [my father] to whip [a slave] save sometime to correct a child for some evil, and then the whipping was light. He never overworked them, for I was for a number of years foreman of eight or ten plows. They started to work when I started; when I rested they rested; when I stopped at evening they stopped; when I got a holiday they got one. They ate what I ate, though at different tables. Never a day's ration was issued to any of them. They were well housed and were allowed to use all the firewood they needed from the same yard from which the white family got its own supply. They were well shod and clothed, wearing the same kind of goods I used on the farm—all home-made. In winter all the slaves, from the youngest to the oldest, wore woollens. My father retained two of the best physicians in the county to give them any needed attention, the same as his family had. He gave each year to each slave large enough to work a "patch of ground" and the time to work it, in order that each might have some money of his own to spend as he chose. The breeding women he was always careful should never be worked too hard or in any way strained. When any of the slave children were very sick they were brought into the house of the white family and there attended as one of the white children. He always provided for them to go to church on Sunday, allowing them to use the farm teams when necessary. They were invited to family prayers in the room of my parents. He often urged his children to read the Bible to them in their own houses, for each slave family had

a separate home, which, in the main, was more comfortable than three-fourths of the colored people now have, or perhaps nine-tenths of them. One of his old slaves told me recently[1] that he has never been as happy or well provided for since he has been free as he was while a slave. Much more I could say, but this is perhaps enough. I state the above on my honor as a Christian minister. P. S.—He never allowed his sons to whip any of the field hands.

In a further communication the same gentleman says of slavery as an institution:

It never paid my father, only by the increase of his slaves. His land was poor and this may have been the reason why he never made any money by it only as above stated. He never kept any account of debtor and creditor in running his farm. I was very well acquainted over the county in *ante bellum* days and knew of but one or two parties who failed to clothe well and treat well their slaves. Those parties, like some of this day, never had a good set of harness, or good stock or farm tools. In all my section of the county I knew of no whites who did not own some land and have their own homes. I knew but one free negro, a woman, and she lived with my father. She was a housemaid and worked for her victuals and clothes.

The difference between the conditions of slaves in North and South Carolina is illustrated graphically in the following statement of a negro whom Mr. Olmsted met in South Carolina about 1855.[2] The negro was free, and with his son had come from Rockingham County, N. C., to peddle out two wagon loads of tobacco in eastern South Carolina. Said the old man in the course of the conversation:

"Fac' is, master, 'pears like wite folks doan ginerally like niggars in dis country; dey doan ginerally talk so to niggars like as do in my country; de niggars ain't so happy heah; 'pears like the wite folks is kind o' different, somehow."

"Well, I've been thinking myself the niggers did not look so well here as they did in North Carolina and Virginia; they are not so well clothed, and they don't appear so bright as they do there."

"Well, massa," was the answer, "Sundays dey is mighty well clothed, dis country; 'pears like dere ain't nobody looks better Sundays dan dey do. But, Lord! working days, seems like dey had no

[1] This narrative was sent me in 1896.

[2] "Journey to the Seaboard Slave States," pp. 389-393.

close dey could keep on 'em at all, master. Dey is almost naked wen dey's at work, some un 'em. Why, master, up in our country de wite folks, why some un 'em has ten or twelve; dey doan hev no real big plantations like dey has heah, but some un 'em has ten or twelve niggars, maybe, and dey juss lives and talks along wid 'em. If dey gits a niggar and he doan behave himself, dey won't keep him; dey juss tell him, sar, he must look up anudder master, and if he doan find himself one, I tell 'ou, wen the trader cum along, dey sell him and he totes him away. Dey always sell off all de bad niggars out of our country; dat's de way all de bad niggar and all dem no-account niggar keep a comin' down heah; dat's de way on't, master."

To this, which is offered only for what it is worth, add the statement of Mr. Olmsted himself: "So far as I have observed," he says, "slaves show themselves worthy of trust most where their masters are most considerate and liberal to them. Far more so, for instance, on the small farms in North Carolina than on the plantations of Virginia and South Carolina."[1]

Here we have three pictures, more or less complete, of slave life (1) on a fertile farm in the East, under conditions of extensive farming, (2) on a large farm in the central part of the State, and (3) on the small farms of the western part of the State. I must believe that each picture is given fairly, so far as it goes. All show that slavery in North Carolina was not so harsh as elsewhere. To this conclusion I may add the positive evidence of Mr. Olmsted. He says: "The aspect of North Carolina with regard to slavery is, in some respects, less lamentable than that of Virginia. There is not only less bigotry upon the subject and more freedom of conversation, but I saw here, in the institution more of the patriarchal than in any other State. The slave more frequently appears as a family servant—a member of his master's family, interested with him in the fortune, good or bad. This is the result of less concentration of wealth in families or individuals * * * Slavery thus loses much of its inhumanity. It is still questionable, however, if, as

[1] "Journey to the Seaboard Slave States," p. 447.

the subject race approaches civilization, the dominant race is not proportionately detained in its progress."[1]

I am able also to publish the following from a gentleman of great intelligence and humanity, who was intimately connected by birth and association with the most prominent people of the State. He says:

I did not like the institution of slavery, but I wish you to know: (1) That while the laws were severe the natural amiability of the people tempered the administration of them. I never whipped a grown up slave in my life, nor did my father, nor brothers; and such families were the rule and not the exception. Nor did I ever witness any of the scenes of barbarity so much spoken of. Although a large slaveholder, and raised among slaveholders, I never saw a grown person punished in my life. By grown person I mean fifteen and sixteen years old and upwards. The separation of husband and wife, parent and young child, were not common. My family never did it, nor did any of the families known to me, and I am sure that the great majority of families in North Carolina would not allow it. (2) To balance the cases of barbarity I wish you to remember that the wives and other dependents of slaves were protected by the owners from brutality on the part of their slave-husbands, etc. The awful, horrible brutality of drunken husbands and fathers as seen in England, and the cities of the North was not allowed in the South. (3) You should not attribute to slaves the fine feelings of whites. They had recently been savages. Separation of children from parents, etc., was not to them what it is to whites. But there was in practice no more separation than in New England families, whose children as a rule scatter over the whole face of the earth. (4) The sum of misery was no greater among them *practically* than among the laboring classes in free countries. You may not believe all this, but I hope that it will be within your plan to mention that slave-owners claim this.

On the subject of mulattoes the same correspondent writes:

The number of mulattoes must not be held to prove corresponding licentiousness on the part of the whites. Many of them were descended from Indians and many were descended from mulattoes lawfully married. * * * The mulattoes were employed in towns and were hence more observed. I have seen great plantations with not one of them—all black.

If I were defending a side in the never ended controversy about the treatment of slaves by their masters, it would only

[1] "Journey to the Seaboard Slave States," p. 367.

be necessary to point out here that the essence of the misery of slavery in the South and elsewhere was not physical suffering, however frequently or infrequently that may have occurred, but the mental and spiritual wretchedness that follow a loss of liberty. If you deny the rights of man to the negro slaves you cut the heart out of the anti-slavery argument. By the side of the above testimony I shall place some statements from an unpublished book[1] of Dr. Eli W. Caruthers, of Greensboro, N. C., well known as the author of some valuable volumes relating to the history of the State. For events he claimed to know about he was the best kind of authority. Speaking of beating slaves cruelly, he said: "I have known a number [of instances] myself in which nobody in the neighborhood had any doubt that the death of the slave was caused by the severity of his treatment, but no attempt was made to punish the cruel perpetrators of the deeds."[2] The conjugal and parental instincts in the slaves were lessened on account of the frequent breaking of family ties by masters. "I have known some instances," said he, "in which [the slave family] have been permitted to live on in great harmony and affection to an advanced age, but such instances, so far as my observations have gone, have been 'like angels' visits, few and far between.' Generally, in a few weeks at most, they have been separated, sold off under the hammer like other stock and borne away to a returnless distance."[3] An evil result of this condition of affairs was that the negroes did not regard marriage as strictly as they ought. They married carelessly and separated easily. The result was much licentiousness. A few Christian owners did what they could to prevent the separation of their married slaves, but after their death, if not before, the slaves were sold for debt or to satisfy less scrupulous heirs.[4] In his own congregation was an excel-

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[1] "American Slavery and the Immediate Duty of Slaveholders." See the author's "Anti-Slavery Leaders," p. 56.

[2] *Ibid.*, p. 282. [3] *Ibid.*, p. 299. [4] *Ibid.*, p. 307.

lent man and wife, both slaves, who were very fond of one another and of their children. Their master died in debt. Their eldest daughter was sold to a speculator, and other children were also sold. The honest parents were heart-broken and succumbed under their sorrow. "I could fill a volume with similar instances," exclaimed the indignant writer.[1]

From an intelligent gentleman, who was a large planter in the eastern part of the State, I have the following:

> Slaves were generally fed three times a day; but I knew several men who fed only twice a day. I practised medicine on many plantations and never found negroes that were so badly fed that it interfered with my treatment. A few people stinted their children and their slaves also. Usually the slave fared as well as the child, relatively speaking. If any difference was made it was in favor of the slave, who was property. I knew a few people who treated slaves badly. Such masters were brutal by nature. The morality of the negro was greater then than now. One fault, however, was the putting of more than one family into one room. This was not unusual on plantations. The profit to the employer of the labor of the slave was perhaps greater than that of the negro freeman to-day. The negro pays in a region where the ground has to be stirred steadily; but he does not pay in a grass or grain country. He has not enough of the faculty of direction for the latter. The negro does not want or need free circulation of air in his living quarters. As a rule he sleeps in badly ventilated apartments and seems to suffer no ill effects. This is a conclusion from my experience as a physician. They always sleep with their heads covered up. Nearly all like the taste of whiskey.

From the same source I am able to give an incident, piteous as it is, but which from the trustworthy and direct source from which it comes to me I am not able to doubt. It illustrates most touchingly the hardships which came from breaking the Africans into slavery. About the beginning of this century when the large Collins plantation on Lake Phelps, Washington County, was being cleared a number of negroes just from Africa were put on the work. One

[1] "American Slavery and the Immediate Duty of Slaveholders." See the author's "Anti-Slavery Leaders," pp. 308 and 310.

of the features of the improvement was the digging of a canal. Many of the Africans succumbed under this work. When they were disabled they would be left by the bank of the canal, and the next morning the returning gang would find them dead. They were kept at night in cabins on the shore of the lake. At night they would begin to sing their native songs, and in a short while would become so wrought up that, utterly oblivious to the danger involved, they would grasp their bundles of personal effects, swing them on their shoulders, and setting their faces towards Africa, would march down into the water singing as they marched till recalled to their senses only by the drowning of some of the party. The owners lost a number of them in this way, and finally had to stop the evening singing. This incident was related to my informant by the gentleman who was overseer on this plantation when the incident occurred.

CHAPTER V.

THE TRIUMPH OF THE PRO-SLAVERY SENTIMENT.

Slave Conspiracies.—The possibility of slave insurrections was a source of the greatest solicitude to the Southern whites. This was heightened about the close of the last century by the Haytien outbreak and by the Nat Turner attempt in 1831. Probably the slaves as a body were more rebellious a century ago, when many of them were fresh from African freedom, and probably the whites as time passed knew better how to keep the slave from rebellion. Certain it is that after the early decades of the nineteenth century there were no attempts at conspiracy among the North Carolina negroes.

After the reported conspiracy in Beaufort County, just before the Revolution, no further trouble is reported till 1802. In that year the extreme northeastern part of the State was thrown into paroxysms of terror by reports of a slave insurrection. It is difficult to say just what was the extent of the danger there. The insurrection was at first reported to have gone through the counties of Camden, Currituck, Pasquotank, Perquimons, Chowan, Hertford, Martin, Bertie, Beaufort and Washington. At some places the slaves were reported to have done great havoc, though no definite acts of outrage were mentioned. Eighteen negroes were reported to have been executed and a large number to have been arrested. After awhile it was realized that "various extravagant and unfounded reports," as the *Raleigh Register*[1] put it, had been circulated. On July 27,

[1] June 1, 22 and 29, 1802.

1802, this paper published a full story of the affair by a reliable witness. It appears that in May of this year a report came to be circulated that the negroes were about to revolt. All those who were strongly suspected were arrested. Excitement ran high, and mob violence was averted with difficulty. The negroes were at length frightened into confession. They admitted that June 10 had been set for the beginning of a general insurrection, and that they were threatened with death if they revealed it, or if they did not join it. On the night of the tenth they were to form into groups of seven or eight, fire the houses of the whites, kill the white males over six years old, kill the women, black and white, except the young and handsome white women, who were to be kept for wives, and the young negro women, who were to be kept for waitresses. After finishing in the country they were to go to Plymouth, N. C., where they expected reinforcements, and where the work of destruction was to be continued. A few arms were deposited in the swamps, and they expected to get others. They had been told by their leaders that the rising would cover the whole country. The leaders were obstinate, but after much whipping they confessed to the conspiracy. Two of them were executed, and the others were whipped and sent to their homes. How a whole State might be terrified by such reports as were then in the air is seen by the fact that false alarms were given in Halifax and Franklin Counties, and in the former a negro was tried and convicted, but the community soon recovered from its shock, and both whites and blacks joined to petition the Governor to pardon him.[1]

In 1805 an outbreak of a similar kind was reported in Wayne County, about which a correspondent wrote to the *Register*[2] as follows: "We have been engaged in this county in the trying of negroes for poisoning the whites ever since Monday last. One suffered death at the stake (was burnt

[1] Raleigh *Register*, August 10, 17 and 24, 1802.
[2] *Ibid.*, July 23 and August 13, 1805.

alive) on Saturday last, for poisoning her master, mistress and two others. Two more are under sentence of death, and are to be hanged on next Wednesday." Thirteen, it was said, were in prison, but some of them had been brought from Sampson and Johnston Counties. The accused confessed that the plan was to kill the chief white men, and to keep the others in slavery. Later advices stated that one more negro was executed besides the two mentioned, and others had lesser punishments, as whipping, pillorying, transporting and cropping the ears. In neither of these outbreaks, it will be noticed, is there mention of Northern emissaries. Whatever plan there was among the negroes was probably due either to their own suggestion or to some negro who came in from the West Indies. Either source was not improbable. There must have been then, and perhaps always, a large number of stronger minded slaves who resented their situation. Of this class was one, "Yellow Jack," who was advertised in 1812 as a runaway, who had been overheard to say that "all should be free, and that he saw no reason why the sweat of his brow should be expended in supporting the extravagance and idleness of any man," or words to that effect.[1]

In 1822 there was a slave rising in Charleston, S. C., in which Denmark Vesey figured as leader. It had no effect on the slaves of North Carolina, much to the relief of the whites there.[2] But in 1821 there had been trouble of some kind in Jones County. The militia was called out, and in 1823 the Assembly allowed its claim for services. The Nat Turner insurrection of 1831 aroused great feeling in the State, and this was chiefly responsible for the state of terror that possessed the adjacent counties immediately thereafter, when news was circulated of a similar conspiracy in Sampson and Duplin. The terror spread as far as Wake, and even Raleigh was put into a state of defense, even the old

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[1] Raleigh *Register*, June 5, 1812.
[2] *Ibid.*, August 20, and September 6, 13 and 1822.

men past the militia age volunteering for service. Johnston County called on Raleigh for ammunition and received a supply. The report stated that seventeen families had been murdered by the slaves. When it was reported in Hillsborough that Raleigh was in imminent danger the former place at once raised a military company and sent it to the latter. On careful investigation the reports were found to have been much exaggerated. It seems that a free negro had revealed a concerted plan in Duplin, Sampson, New Hanover, Wayne and Lenoir Counties for the negroes to rise on October 4, 1831, march to Wilmington, where they expected to get arms and recruits. Whatever plan there was, no whites were harmed. Twelve alleged leaders were taken and shot, and three others were hanged in Duplin, and the people were restored to confidence. In Wilmington the excitement had been painful. At one time it was reported that the infuriated blacks had reached a point two miles from the city. The whole available population was put under arms.[1] When men were so carried away by the prevailing fear as to credit such reports as the latter it was not unlikely that some of their judgments were wrong. I have it on the authority of the son of the man who was at that time sheriff of Sampson County that the negroes executed for this crime there were innocent, and that he had often heard his father say as much. This was the last attempted slave insurrection, so far as I have been able to learn, in North Carolina. It is singular that we find no more periods of terror from reported slave insurrections after the triumph of the pro-slavery element. It would be interesting to know whether or not these frights were of political origin.

The Growth of the Pro-Slavery Sentiment.—Intimately connected with the reported slave conspiracies was the growth of a stronger pro-slavery sentiment. Each period of excitement tended to weaken the arms of those who hoped

[1] Raleigh *Register*, October 15 and 21, 1831.

for final emancipation. It has been said that the Nat Turner insurrection and the active campaigns of Garrison and his associates turned the South into pro-slavery advocates. The statement is but partly true. The process of change in sentiment had begun some time before, and these events only hastened its culmination.

There was for some years before 1831 a considerable pro-slavery sentiment which made its presence felt in the Legislature. It was strongest in the East where there were more slaves. Opposed to it were the western counties. As they became more and more slaveholding, the non-slaveholding element leaving largely for the Western States, the pro-slavery faction was strengthened. They were, moreover, a party of action and they drew young men. Those who hoped for emancipation had no plan of action. They only awaited for some door to be opened to effect their hopes. They could not approve of the procedure of the abolitionists in the North. They realized that latent public opinion in the South was such that it would be folly to argue against slavery on the grounds of the rights of man. The half-hearted opposition they could make had no chance against the fervid arguments of the convinced and enthusiastic supporters of slavery.

The steps by which the pro-slavery minority was converted into a majority are obvious. In 1818 Mr. Mears, of New Hanover, introduced a bill to prohibit the teaching of slaves to read and write. It was lost on the second reading.[1] A year later a similar bill was unanimously rejected.[2] In 1825 a bill to prevent the escape of slaves by assuming the privileges of free negroes was indefinitely postponed. In 1825 free negroes were required to have license from the county justices to live in Raleigh. Licenses were given to those only who could prove good character.[3] In the same year the Governor in his annual message referred sarcasti-

[1] Raleigh *Register*, December 18, 1818.
[2] *Ibid.*, December 10, 1819. [3] *Ibid.*, February 18, 1825.

cally to resolutions of the Ohio Legislature in regard to abolition in the Southern States. He appreciated the interest of the non-slaveholders, but hoped they would "shortly learn and practice what has familiarly been termed the *Eleventh Commandment*, 'Let every one attend to his own concerns.'"[1] In the same year a bill to restrain improper conversation between mulattoes and free negroes on the subject of freedom was lost in committee.[2] Another bill to prevent the education of slaves, a bill to prevent free negroes from migrating to North Carolina and a bill to forbid emancipation societies were introduced but lost, the second by a vote as close as 56 to 47.[3] Evidently the pro-slavery men were in earnest.[4]

The matter became graver in 1826. In his message the Governor referred to a petition from the Vermont Legislature to the North Carolina government praying for the abolition of slavery. The Northern agitation, he thought, "demanded from us a sleepless vigilance." He recommended revision of the laws relating to the militia, to the patrol, and to the immigration of free negroes.[5] A warm debate followed in the Senate. Mr. Speight, of Greene, was particularly belligerent. "As a North Carolinian he felt that he was being imposed upon, and that there was an improper attempt to dictate to the Southern States in what manner they should govern their own property; and before he would tamely acquiesce in any infringements of his rights in this par-

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[1] Raleigh *Register*, November 29, 1825.

[2] *Ibid.*, December 6, 1825.

[3] *Ibid.*, December 30, 1825, and January 3, 1826.

[4] It is curious to read the estimate of the North Carolina Manumission Society in 1825, as to the sentiment of the people of the State on the question of emancipation. They said that $\frac{1}{10}$ of the people wanted immediate emancipation, $\frac{1}{10}$ wanted gradual emancipation, $\frac{1}{10}$ wanted emigration, $\frac{1}{10}$ were totally indifferent, $\frac{5}{8}$ were ready to support schemes of emancipation, $\frac{1}{10}$ opposed emancipation because impracticable, and $\frac{1}{10}$ were bitterly against it. See Weeks: "Southern Quakers and Slavery," p. 241.

[5] Raleigh *Register*, December 29, 1826.

ticular he would destroy the constitution, law and everything most dear to him." He favored referring the matter to a committee. Mr. Forney, of Lincoln, counseled moderation. "There was," he said, "a good deal of sensibility excited whenever this subject was mentioned, and a disposition was felt to take umbrage when no offense was intended." The Senate referred the matter to a committee, but with what result does not appear.[1] In the Assembly of 1827-28 there were several bills in regard to minor features of the slave controversy, but none passed. In 1828-29 a bill was introduced to prohibit the education of slaves and on the recommendation of the Judiciary Committee it was rejected. Both here and in the following year other bills were introduced to restrict the activity of slaves, but they failed to pass. It was only when the Governor sent in to the Assembly a copy of an inflammatory circular found in North Carolina and in other States, that passion rose to summer heat again. Slavery, said the Governor in his message, was a fixity, and "it would be criminal in the Legislature to attempt to avoid any responsibility growing out of this relation." It was known that free negroes had helped to circulate such literature as this, and it was recommended that they be required to give bond not to do so in the future. The Governor's note of warning was heard. The first bill introduced was to regulate the patrol. A committee of the House of Commons was instructed to inquire into the expediency of preventing the education of slaves, and a number of other restrictive bills and resolutions followed quickly.[2]

The incendiary publication referred to was by one Walker, of Boston.[3] I presume this was David Walker, the third edition of whose "Appeal in Four Articles" had just been issued. This appeal, said he, was made to rescue the negro from wretchedness in consequence of slavery, ignorance, reli-

[1] Raleigh *Register*, January 2, 1827.
[2] *Ibid.*, November 18 and 25, and December 2, 1830.
[3] *Ibid.*, December 9, 1830.

gious teachers and the colonization plan. It was written by a negro and was intended to incite negroes to progress. They were urged not to be content with the position of menials, but to educate their children. The habit of the whites of teaching negro children in Sunday Schools was denounced, evidently because it tended to make the negroes contented with slavery. Garrison reprinted much of this pamphlet in one of the early numbers of the *Liberator*.[1] It was not openly and violently incendiary, to be sure, but it aimed to make the negro discontented with his lot, and falling into the hands of slaves might well be construed to lead to any kind of a stroke against their shackles. To the North Carolina Legislaure it was a most serious matter. The Senate went into secret session on it, the second secret session in the history of the State. The bill to prevent slaves being taught to read and write was taken up and went through the Senate on its second reading without a division. Mr. Robert P. Dick, of Guilford, protested in the name of many of his constituents who conceived that it was their duty to teach the slaves to read the Bible.[2] The bill was finally enacted. The tide had turned. The pro-slavery minority that had often tried to pass this bill had at last been able to get it through. This faction was not only supreme in the Assembly, but it soon became supreme in society at large. It took its case into the realm of literature. Arguments sociological, arguments ethnological, arguments psychological, arguments biblical, and goodness knows how many others were hurled at the slave. The very nature of the controversy engendered passion. The abolitionist considered slavery a crime against the slaves. His saying so reflected on the moral integrity of the masters. Specifications of the criminality were enumerated. The masters became angrier. The passions once kindled might be relied on to keep themselves burning. It would have

[1] *The Liberator*, April 23, 1831.
[2] Raleigh *Register*, December 9, 1830.

taken admirable self-control for either side to have stopped or to have turned aside the flood. Said Mr. Julius Rockwell: "It is no credit to the civilization of the nineteenth century that slavery could not have been abolished without that horrid war." It was slavery itself that defeated the humaner forces of civilization. Had slavery not been slavery the minds of men might have been calmer in its presence, but then there had been no need of abolition.

After the triumph of 1830 the dominant faction was more determined than ever to protect slavery. The Governor in his message in 1831 referred to the discontent among the slaves, and recommended the organization at the expense of the State of a reliable county militia to be held ready to march at a moment's notice. His recommendation was not adopted. Neither were a number of bills brought in to restrict the action of slaves.

In 1835 a joint committee on incendiary literature, of which Thomas G. Polk was chairman, reported in favor of a permanent policy in regard to such literature. This the State could undoubtedly do and "no other State, and no other portion of a people of any other State can claim to interfere in the matter, either by authority, advice, or persuasion; and such an attempt, from whatever quarter it may come, must ever be met by us with distrust and repelled with indignation. * * * Whatever institution or state of society we think proper to establish or to permit is by no other State to be disturbed or questioned. We enter not into the inquiry whether such institution be deemed by another State just or expedient. It is sufficient that we think proper to allow it. * * * We do full justice to the general sentiments and feelings of our fellow-citizens in other States, and are fully aware that the attempts to injure us are made by a small minority—composed probably of many misguided and some wicked men, and that these attempts meet with no favor, but on the other hand with marked disapprobation from a large majority of the communities in which they are made. Still it must be recollected

that from the nature of the means employed the danger to us is the same." "We asked not assistance," continued the committee, "to put down insurrectionary movements among our slaves, for should such occur we are fully able to put them down ourselves. But we ask that our slaves and ourselves may be relieved from external interference. Left to themselves, we believe our slaves, as a laboring class, are as little dangerous to society as any in the world. But we do ask, and think we have a right to demand, that others do not teach them evil of which they do not think themselves." The report closed as follows: "Though we feel the greatest attachment for the Union, and would do all in our power to strengthen and perpetuate it, yet we are not ready to surrender those very rights and blessings which that Union was formed to protect; and should the means now adopted prove ineffectual in stopping the progress of these attacks on our peace and happiness, we would invoke the aid of the other slaveholding States that there may be concert of action in taking such steps as the occasion may demand."[1] With this report were some resolutions in the same spirit, and these were passed by a large majority.

By the side of this I should like to place a resolution which the *Raleigh Register*, June 4, 1836, said had just been adopted by the New England Anti-Slavery Society. It read:

> ***Resolved***, That regarding a surrender of the right of free discussion upon the altar of Southern slavery as involving on our part the commission of moral suicide, treachery to the cause of civil liberty, of humility and guilt before high Heaven, we hereby pledge ourselves to one another—to the oppressor and the oppressed—to our country and our God—that, undeterred by threats or persecution at common law, whether in the messages of the governors, the pages of our theological reviews, or the reports of legislative committees—come what may, gag law or lynch law, we will never cease to work for its exercise—full, free, and undiminished—until the last fetter shall be broken and slavery and prejudice shall be buried in one common grave.

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[1] Raleigh *Register*, January 5, 1836.

Alas! that was a good way to bury slavery, but neither the resolutions of the North Carolina Assembly nor those of the New England Society were calculated to diminish prejudice.

The change in public opinion is well illustrated by the course of the *Raleigh Register*. Its editor, Joseph Gales, had left England in 1794 on account of a certain connection with a violent pamphlet of a French republican flavor. His love of liberty made him steadily opposed to slavery. He was a follower of Jefferson and later on a Whig. He certainly did not represent the general sentiment on the slavery question, but even the opinions of his paper were not proof against the pro-slavery impulse of public thought. In 1818 the *Register* described slavery as "a Upas tree of most frightful dimensions and most poisonous qualities." In 1825, when another paper declared that the *Register* was "very little in unison" with the opinions of the great body of slaveholders, Mr. Gales replied:

> We consider slavery an evil, a great evil, but one imposed on us without our consent, and therefore necessary, though we cannot believe irremediable, hopeless and perpetual. On the simple question: "Ought slavery to exist" we presume but few persons would answer in the affirmative, and still fewer would be found bold enough to advocate the practice as being right in itself or to justify it, except on the broad plea of necessity. That it would conduce equally to the interest and happiness of the slaveholding States to get rid of this part of our population few will deny. It is a dead weight which mars all enterprise and clogs the wheels of the political machine. None can doubt that if North Carolina could give the whole of her colored population for one-half the number of whites she would be among the foremost in the race of active improvements now running by most of the free States. We hope the time will come, though it is probably far distant, when a better order of things will prevail in this respect.[1]

In 1830 the *Register* had begun to change its tone. It pronounced "highly seditious" the anti-slavery articles then

[1] Raleigh *Register*, September 20, 1825.

appearing in the *Greensboro Patriot,* of which William Swaim was the editor. In 1835 the *Register* declared itself as follows:

> Until recently we were disposed to regard the movements of the abolitionists with indifference and contempt; but it is folly to shut our eyes to the fact that they are rapidly augmenting in numbers, and that their zeal and exertion are increasing in even greater ratio. By a late circular, signed by Arthur Tappan, Lewis Tappan, the Rev. Dr. Cox, etc., it seems that they are determined to raise $30,000 during the present year to be devoted to printing and circulating *gratuitously* inflammatory papers calculated to do extensive mischief.[1]

Four weeks later the same paper, on the authority of Lewis Tappan, said that the abolitionists had printed 175,000 abolition circulars, of which 1000 had been destroyed in Charleston. "The rest," said Tappan, "are accomplishing the designs intended throughout the United States. We will persevere, come life or death. If any fall by the hand of violence, others will continue the blessed work." By this time the *Register* was out and out a pro-slavery organ. This change in sentiment in a most conservative paper—the editorial management of which remained continually in the same family—father and son—during this entire period, must have been indicative of a much stronger popular change.[2]

Co-existent with the facts just mentioned there was a strong political side to this change. The Whigs were, for most of the period before the Civil War, more opposed to slavery than the Democrats. They now found themselves uncomfortably placed between two fires. Abolitionists charged them with favoring slaveholders. Pro-slavery people charged them with a leaning towards Northern abolition doctrines. Each charge was denied. In each there was some

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[1] Raleigh *Register,* October 1, 1835.

[2] Sometime before his death in 1842 Joseph Gales went to live in Washington City, leaving the editorial management of the paper in the hands of his son. I can find no date for this, but it was hardly so early as 1835. At that time the paper announced at its head that it was published by "Gales and Son."

show of truth. Whiggery was already being dragged into the maelstrom of sectionalism, which was destined to destroy it. In North Carolina it did not dare to oppose slavery. At the time about which I have been speaking, another issue overshadowed all others. It was the question of apportionment of seats in the Assembly. The Constitution provided that each county should have equal representation. The western counties were larger than many eastern counties and demanded an apportionment of seats according to population. The struggle was won by the West, and the desired reform was accomplished by the constitutional convention of 1835.[1] This put a new complexion on State politics for a few years; but as soon as this issue was forgotten—and it was not long in doing so—the two parties were drawn into discussion of the slavery question. It was in the campaign of 1840 that the matter first became prominent. The *Standard*, a Democratic paper at Raleigh, called the Whigs "abolitionists." The *Register*, which was the leading Whig organ, charged Van Buren with favoring negro equality. The controversy became warm. The Democrats attacked Mr. Morehead, Whig candidate for Governor, because he had prepared a report against the bill to prevent the instruction of slaves. The Whigs replied that Mr. Haywood, the Democratic candidate, had done the same thing. The Whig candidate was looked upon with suspicion, because he was from Guilford County, where anti-slavery ideas were abundant. The Whigs replied by charging that Mr. Saunders, a Democratic ex-Congressman, had presented to Congress a petition from the Manumission Society of Guilford County. When the Whigs finally won in 1840 the *Register* announced the victory under the headlines: WHIGGERY VICTORIOUS! THE BLACK FLAG OF ABOLITION LAID LOW!

After 1840 the controversy slept till 1846, when the Wilmot Proviso was introduced. It now became violent.

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[1] See the author's "Suffrage in North Carolina," Report of the American Historical Association, 1895.

The Democrats had the Whigs on the defensive. The latter were forced to repudiate the action of the New England Whigs, who had just endorsed the proviso in a convention at Springfield, Mass. The result was satisfactory. The Whigs were still strong, and carried the State by what was then a substantial majority of 7000. In 1848 the controversy for equal suffrage began, the Democrats favoring it and the Whigs opposing. It ran strong, but the feeling on the slavery question was not allayed. The two parties vied with one another in denouncing abolition.

In the storm of feeling which preceded the compromise measures of 1850, North Carolina was not untouched. The strongly conservative feeling of the State was brought into play, and the resolutions which were introduced into the Legislature were milder than they would have been in some other Southern States. On January 16, 1849, the Assembly resolved all but unanimously, that to forbid slavery in the District of Columbia or in the territories would be a "grave injustice and wrong" and contrary to the spirit of the Constitution, and that they were willing to stand by the Missouri Compromise. An amendment to these resolutions was offered by the House of Commons and concurred in by the Senate, pledging the State more strongly than ever to the Union and repudiating "whatever may suggest even a suspicion that it can in any event be abandoned. This amendment was introduced into the House by Edward Stanley, of Beaufort County,[1] who was a Union man of the strongest sort.

In the session of 1850-51 the same matter came up again. A joint committee was appointed to act for the two Houses. A report was prepared and submitted. It was in favor of accepting the Compromise of 1850, but sounded a note of warning in regard to the Fugitive Slave Law. There were many resolutions on this subject before the Assembly. One of them expressed, perhaps, pretty thoroughly the feeling

[1] Journal of the Assembly of 1848–49, pp. 717 and 725.

of most of the members. It ran: *"Resolved,* That we will have the Fugitive Slave Law or fight." Many amendments were offered to the resolutions of the committee, and an intricate debate was just beginning when the matter suddenly dropped out of the journal of the Assembly, leaving us to guess the cause. Perhaps it was because the Assembly was brought to realize the futility of bringing on a discussion which would create feeling and endanger the Union, all to accomplish no definite end. The compromise laws had then been passed in Congress, and as yet the Fugitive Slave Law had not been tried. It was evidently in the interest of good sense to say nothing about the slavery question.

The last decade before the war was quiet enough so far as the political relation of slavery was concerned. There was, as the crisis approached, a considerable amount of sectional recrimination, but it does not belong to the history of slavery, but rather to the larger history of the great sectional struggle. In the meantime, and, indeed, for a decade and a half previously, there had been no legislation of importance which bore on slavery. The status of the slaves had been fixed to the satisfaction of the masters by the legislation which came closely before or after 1830. This intermediate period was marked by profound quiet on the part of the slaves. The negroes were prostrate, restrained at every point by law. So completely were they subjected that they gave no trouble during the war that followed. During this war it was not found necessary to amend the law controlling the conduct of slaves at any vital point. This quietude of the slaves has been attributed to their good nature. It ought to be attributed to their lack of *esprit du corps,* their lack of organization, and their fear of the whites. They did not remain quiet because they loved slavery. They had small opportunity for rebellion. The counties were closely defended by home guards, embodied from the old men and the youths and in each State till the end of the war there were easily accessible bodies of troops which would have crushed with fearful promptitude an attempt at insurrection. No revolt

that the negro could have made would have stood a week. That the negroes were willing enough to have their liberty, even at the expense of the lives of their masters, is shown by the readiness with which they enlisted into regiments in the Union Army, and by the desperate courage with which, raw as they were, they frequently bore themselves in battle when under the leadership of competent white officers.

AUTHORITIES.

With few exceptions, I have been thrown back on *Quellen*, and of this class of material the pieces have been varied and multitudinous. Slavery is unannalled so far as the slaves themselves are concerned. I have been forced to pick up information here and there as it is found in the documents and other literature of the white man. At best I can hope for but little more than that this, and other works of mine on slavery in North Carolina, may serve for a point around which many more facts not now in the range of my knowledge may be gathered, till at last the subject is known through and through.

My chief sources of information have been laws and legal opinions. Of these are:

Laws of North Carolina, 1790.

Laws of North Carolina, 1821.

Revised Statutes of North Carolina, 1837.

Revised Code of North Carolina, 1835.

Journals of the North Carolina Assembly.

Reports of the cases in the North Carolina Supreme Courts.

I have found much information in the newspapers of the day, particularly the Raleigh *Register*, and the North Carolina *Standard*.

Other materials of a more miscellaneous nature are:

Caruthers, E. W.: American Slavery and the Immediate Duty of Slaveholders, an unpublished manuscript now in possession of the library of Greensboro Female College (N. C.)

Wightman: Life of Bishop Capers.

Drew: Life of Dr. Thomas Coke.

Hawkins: Memoir of Lunsford Lane.

Biggs: History of the Kehuckee Association.

Purefoy: History of the Sandy Creek Association.

Weeks: Southern Quakers and Slavery.

Hoss: Sketch of the Life of Elihu Embree. Publications of Vanderbilt Historical Society, No. 2, 1897.

Smith: History of Education in North Carolina.

Olmsted: Journey in the Seaboard Slave States.

Du Bois: The Suppression of the Slave Trade.

North Carolina Colonial Records, Vol. IX.

De Bow's Review.

Weaver: The North Carolina Manumission Society. The Historical Papers of the Trinity College (N. C.) Historical Society.

Chreitzberger: Early Methodism in Wilmington, N. C. The first annual publication of the Historical Society of the North Carolina Conference of the M. E. Church South, 1897.

Gaston, Wm.: Address at Commencement at the University of North Carolina, 1832.

David Dodge [O. W. Blacknall]: Free Negoes of North Carolina. *The Atlantic Monthly,* January, 1886.

Minutes of the Conference of the Methodist Episcopal Church.

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Minutes of the Chowan Baptist Association.

Minutes of the North Carolina Baptist Convention.

McGill: American Slavery as Viewed and Acted on by the Presbyterian Church in America.

"Presbyterianism and Slavery." Official document published for the use of the General Assembly of the Presbyterian Church at Pittsburg, 1836.

Journal of the North Carolina Episcopal Convention—not complete.

Bassett, J. S.: Slavery and Servitude in the Colony of North Carolina. Hopkins Studies in History and Politics, 1896. Anti-Slavery Leaders of North Carolina, *Ibid.,* 1897. Suffrage in the State of North Carolina. Publication of the American Historical Association, 1895.